PRESERVED

G. R. S. App. F. IX-4]

Previous References.

(Legis)

Later References.

Legis File No. 37-41
Serial Nos. 1

(164)

GENERAL AND REVENUE SECRETARIAT

Serial Nos. (Incl only) 2

Part B for M 3

SUBJECT

Revision of the Mysore Petroleum Act

So
the Commissioner Mysore Legislature.
Re 1316 Legis 37 41-1 dated 2-3-42
Directs the publication of the Bill
for 3-42
Sd-S. Nijalingappa

Revision of Burma Petroleum Act

3408

General and Revenue Secretariat | Pol File No. 46 of 1937 | [App. F. III—2

Serial No.	
1	From the Chief Inspector of Mines & Boilers No 1231 dated 4/1/1937 Submits a draft of the new Burma Petroleum Act modelled on the Indian Petroleum Act, 1934 for the consideration of Govt. 1 Subd. A copy of the Indian Petroleum Act, XXX of 1934 is/ not available in the G. R. library. If approved it will be obtained from the Chief Inspector. A draft is for approval vetter orders. → 2 Issue. Secy 14/1/38. 3 Will not a copy be available in the Gaz of India? Submit. If possible a copy of his Bill may be also obtained from the Gazette) as that would give the Objects & Reasons. 12/1) 5050 dt 18-1-38 To C.I. of Mines Calls for a copy of the Indian Petroleum Act XXX of 1934 for reference.
	From the Chief Inspector of Mines & Boilers No 1495—d 19/1/38 Sds a copy of the Indian Petroleum Act XXX of 1934. 4 The Indian Petroleum Bill (with a state

of objects & reasons) is placed at A copy
of the Indian Petrol... Act- No 30 of 1934.
from the above Enquiry is also put

The Advt- Genl, Law, may perhaps
Consulted in regard to the revision of
the Petroleum Act- as proposed by the
above Enquiry

Sir I may enquire after
the reasons for the proposed a
ment of the Act of 1923. If
to bring our Act in line with
Enactment in Bo. India. It
necessary also to revise and
to present set of Rule

I may be indulged in
that as to question of Manu
Absolute Alcohol as Motor
decided upon, with a view to
Alcohol with Petrol before la
fuel, some legislation in this
is also necessary. But the
in this behalf may be done
separate Act, or be brought
Amending Act later

Yours

12

SECY. DEV. DEPT.
14. AUG. 1939
GOVT OF MYSORE

4013/37
p 827

General and Revenue Secretariat | File No.

Serial No.

CLERK OF THE EXECUTIVE COUNCIL
DEC 11 1939
No. 5598

GEN. & REV. SECTT.
11 DEC. 1939
AGRL. & FOREST BRANCH

7 It appears to be necessary to amend the Act to bring it into line with recent Indian Legislation. This will now be passed over to Legislative Secretary for approval

11.12.39

I recommend.

11/12

8 Mill
17/12/39

18/12

3
18/12/39

10

The proposed Bill replaces completely the Burma Petroleum Act, 1923, which will be repealed under clause 32 of the Bill.

The assent of His Highness has to be obtained to place the Bill before the R.A. & L.C. As the measure is a Consolidating and amending one replacing an existing Act it is perhaps desirable to place its general principles before the R.A., which is the normal and usual procedure in regard to Bills. It may perhaps

be inexpedient to introduce it in one H.C. alone, unless there is urgency

12 — Submitted for orders whether the Bill may be scrutinized and the Approval of His Highness obtained and the Preliminaries satisfied and the Bill kept ready for the next R.A. or whether the Bill has to go before the next L.C. which is in January 1940. The last date for publication of Bills for this L.C. session is the 21st instant according to the L.C. Work Calendar

19.12.39

In this Connection reference is also invited to the G.O.[x] laying down rules for dealing with Measures of proposed legislation.

3 A. The first alternative may be adopted.

(for Secretary) 3/19/12/39

Any procedure might be followed in regard to this Bill & it may be placed before next R.A

3/20/12

15/
To A & J Br.

In like action as per G.O. no P 362-70-Legis I-3C dated 16.7.1930 and as ordered abn

GEN. & REV. SECTT.
22 DEC. 1939
AGL. & FOREST BRANCH.

Review of the Mysore Petroleum

Serial No.

22 DEC. 1939
OFFICE OF ... MINISTER OF ...
JAN 8 1940
No. 6460

B

16) Submitted for perusal. Regarding G.O. dated 29/12/39

Dy Secy

17) Please find the G.O. of July 1930 referred to in Para 15. 29/12

18) A copy of G.O. dated 16/7/30 is herewith put up as desired. The file may perhaps be submitted to the Minister in the first instance

2/1/40 Dy Secy 3.1.40.

2/1/40

MW. 2/1/40

6/1

19) Noted 8/1/40 8/1

9/1 9.1.40

20) This is a Council Case.

21) The draft of the new M.P. Act modelled on the D.P. Act of 1934 was submitted by the Chief Inspr. of Mines & Explosives on 21.12.37 i.e. more than two years back and new developments might have taken place during this period. The Chief Inspr. of Mines & Explosives may perhaps be

SECY. DEPT. 4 JAN. 1940 GOVT. MYSORE

NOTE-Contn. Sheet.

File No.

revise the draft (if necessary) in the light of the further developments, if any, and to make any suggestions, modifications or additions to the draft Act now submitted by him. Further he may be requested to submit a ~~preliminary draft~~ Comparative statement showing the existing & proposed sections with a statement of objects & reasons.

km 12/3/40 13/3 22) A. may be done

Dep. Secy 15/3

23) Yes, but I think that this is an urgent matter. It has been delayed too much.

Ce 21/3

Today please

Kra 21/3

24) Draft is submitted for approval. ✓

km 21/3/40

Issue Kra 21/3/40.

AF.5077.34. To, the Chief Inspr. of Mines & Explos
dt 21/3/40
Requests him to forward a comparative statement showing the existing & proposed sections of the Mysore petroleum Act together with the objects reasons

Letter No. 2066 dt. 1.4.40 from the Chief Inspr. of Mines & Explosives. States that there are no amendments to be incorpora

6712/F39 Revision of the Mysore petroleum Act

2362 3404

General and Revenue Secretariat — Genl File No. 46 of 1937 — [App. F. III-2

Serial No.

a comparative statement showing the important particulars in which the existing Act & the draft bill differ from each other together with a statement of objects & reasons.

2) The proposed Mysore petroleum ~~Act~~ Bill closely follows the Indian petroleum Act of 1934. A draft petroleum Bill, a comparative statement showing the important particulars in which the existing Act (M. P. Act of 1923) and the draft bill differ from each other, and a statement showing the objects and reasons for the revision of the existing Act are put up with regard to para 3 of the letter No. 1231 d. 21.12. of the Chief Inspr. of M & E. the blanks in the draft bill (on pages 6 & 14) which have been filled up with reference to the Mysore Railway Act & the criminal procedure Code. But it is not clear under what section of the criminal procedure Code the inquiry as contemplated in Sec. 28 (1) of the draft bill (Page 14 of the draft bill) has to be held and this may perhaps be filled up by the Law section. This is a council case

Kms 6/4/40

26) May be referred to Law

Secy

Dev. Secy

6/4/40

Law Secy

9/4

9.4.40

11.4

NOTE—Contn. Sheet.

REV. SECRETARIAT. 11 APR. 1940

The section of the Criminal Procedure Code to which reference is made in clause 28(1) is section 176 of the Code.

The British Indian Act which the Bill is stated to follow has been the subject of one recent amendment. The amending Bill is L.A. Bill no. 21 of 1940 and was introduced in the L.A. on 21st March and passed more recently. Some of these amendments may

For Disposal by Circulation. **No. C. 459**

... 27th ...1939-40.

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

Subject

Revision of the Mysore Petroleum Act.

Circulated to the Members of Council.

By Order,

Chief Secretary to Government.

27th April 1940.

10201 / 29.4.40 **First Member of Council.** NM 1/5/40

9586 / 2.5.40 **Second Member of Council.** J.T.A 2.5.40

Dear Secy. With Compliments.

MS 3.5.40

Ce

Final Note by the First Member of Council.

Subject.—

Revision of the Mysore Petroleum Act I of 1923.

The Mysore Petroleum Act was introduced in 1923 (Act I o 1923) on the lines of the Indian Petroleum Act, 1899, to contro and regulate the importation, possession and transport of petro leum and other substances in the State. The Indian Petroleum ct, 1899, was repealed and superseded by the Indian Petroleum ct XXX of 1934, as the former had become unsuitable in several ays due to the great developments that had taken place in the se of petroleum.

The State has all along been following the British India ractice in the matter of the administration of the Petroleum ct and it is necessary to revise the Mysore Petroleum Act I of 923, so as to bring it into line with the Indian Petroleum Act f 1934. The draft bill has accordingly been framed on the ines of the Indian Petroleum Act of 1934 except in certain min espects to suit local conditions. When the draft bill is pass nto law, it will supersede the Mysore Petroleum Act of 1923.

The Dewan and the Second Member are agreeable to the evision of the present Act. I solicit His Highness' gracious pproval to the proposed legislation.

N. Madhava Rau

MEMBER OF COUNCIL.

Bangalore,
13th May 1940.

Record of Cases submitted for the Orders of

His Highness the Maharaja.

Subject.

Revision of the Mysore Petroleum Act I of 1923.

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

R. A. Govt. Business.

1) The Statement of General Principles of the Bill to amend the Mysore Petroleum Act, 1923, may kindly be sent through the Protocol Branch for being placed before the ~~Repres~~ Representative Assembly.

21.5.40

A. & F. Section)

2) Submitted. This may, if approved, be sent to the Protocol Br.

21/5/40.

Asst. Secy

Pr. Br

WLC

3) 21/5

4) The statement of General Princi put up indicates that the Bill is a consolidating measure which will replac the existing Act on the subject. As such, the Bill would appear to be a big one requiring scrutiny by a Select Committee. Other Bills which also require such scrutiny have been ordered to be kept back since the next session of the L.C. will be its last prior to the reconstitution of the Chambers.

5) In these circumstances it is for

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

2607/39

Mysore Petroleum Bill.

General and Revenue Secretariat | File No. of 194 | [App. F. III–2

Serial No.

MAY 23 1940
No. 10964

orders whether this Bill also may not be kept back for being placed before the reconstituted Assembly. If th Bill goes before the ensuing session, the Bill will ha to be passed at one sitting, or else the Statement of eneral Principles will have to be placed once again b the reconstituted Assembly.

Submitted for orders.

Done
22.5.40.
MM

6/ The bill is stated to be compred and to be based on the latest practices obtaining the United Kingdom and in British India. As it may not admit of all stages of the legislat process being gones through at the next sitt of the Legislative Council. The General Prin

of the Bill may therefore be placed ~~at~~ bef the reconstituted Assembly in October.

MMM
22/5—

Law Secy)
7/ May be placed before the reconstituted Assembly
I Member)

Hm
2.
22/5-
MMM
22/5—

8) MM
24/5/40

9) Hm
2.
23/5-
MMM
28/5

GEN. & REV. SECTT.
25 MAY 1940
FOREST BRANCH.

NOTE—Contn. Sheet.

Asst Secy
A&T
Branch W.e

GEN. & REV. SECTT.
1940
FOREST BRANCH.

Hm
25/5

Mysore petroleum Bill

File No. of 194

General and Revenue Secretariat.

Serial No.

10) According to Gazette Notification No. 296/ Part III-1 B. 247-39-7 d. 24-7-1940. (Vide page 934)) the term of the present R. A & L.C. Constituted has been extended until 1-3-1941. For orders whether the bill may be placed before the ensuing R.A & L.C. or whether it may be placed before the re-constituted Assembly.

11) 31/7

17/40 31/7

Dew Secy

12) For favour of opinion

Can be 31/7 6/8

Hm

8/8/40 MMV 9/8

13) Reference is invited to paras 6-8 of the rules above. The Bill will perhaps require scrutiny by a Select Committee and in that case will have to go before at least two sessions of the Legislative Council. Submitted for orders whether it may not be placed before the reconstituted House.

One 10/8/40

14) The introduction of the Bill may perhaps be postponed till the Assembly is reconstituted

MMV 10/8

Law Secy)

I. Mem.

15) 1

13/8/40 MMV 13/8

16) MMV

19/8/40 MMV 19/8

Hm 21/8/40

1471. FCBr)

SECY. DEV. DEPT. 1. AUG. 1940 GOVT OF MYSORE

ɔral and Revenue Secretariat

Serial No.

The clauses selected above by the legislative section may be approved for incorporation in the Bill. In other respects the whole Bill is in order, and needs no further comment.

Law Secretary). 3 18/4/41

Hm 2 18/4/41

Dep Secretary (Legislative) 3 18/4/41

SECY. DEV. DEPT. 18 APR. 1941 GOVT. OF KYSORE

may be appd. acc[y] for orders.

1st Member) 18/4

OFFICE OF THE SECOND MEMBER OF COUNCIL 22 APR. 1941 No A.674

3 21/4/41

May be submitted to the Hon'ble Minister KC 21/4

A/S. Please submit to the 1st Mr., on his return from leave, (on the 26th inst.) 23/4

Hm 23/4

SECY. DEV. DEPT. 23 MAY 1941

App[d] MM 9/5/41

Hm 2 10/5/41

Dep Secy) 3 10/5/41

Dep Sec Early MM 12/5/41

Hm 12/5/41

If approved, this will be transferred to the protection Branch.

Hm 13/5/41 MVR 13/5

Asst Secy: Pr (Note)

Hm 13/5/41

OFFICE OF THE FIRST MEMBER OF COUNCIL 26 MAY 1941 No. 1092

NOTE—Contn. Sheet.

The Bill is ready for being placed before the RA. The
There is only one copy of the Bill in the file and it
is somewhat lengthy (16 pages). As it may take a
little time to get copies typed and as the Bill has to be
Printed, it is submitted that the copy of the
will be sent to the Press & Proofs called for. C
proofs when these be sent to the RA. office.
Submitted with a draft D/O to the Comptr.

Draft D/O P 5768 A 14.5.41 to the
Superintendent, Govt. Printing.
Proofs have been received from the Press. 3
Copies of the Proofs. 3 typed statements are kept
below to be initialled before sending to the RA.
Office

14/5.41 — RKR 21/5/41

(RA Office)

Copies have been taken & the file returned

For perusal before being
returned to the Protection Br.

JKRW 22/5

21.5.41 MRR

(Protection Br.)

If approved a copy of the Bill will be
sent to the translation section. This is one of the Bills that h
is proposed before the RA in October.

Secy (Rajde)

30/7 JKS JKRW 30/7

Translation S
Copy of the Bill
BKR 30/7. Copi
Ad 3

OFFICE OF THE SECR
Govt. of S
21 MAY 1941
REPRESENTATIVE ASSE
AND
LEGISLATIVE COUNCIL

The Mysore Petroleum Bill

Serial No.

The Bill is ready for the Press. It is for orders as to who should be in charge of the Bill with the R.A.

Sec'y
27.9.41

Secy
Revenue)

The Development Secretary may be in charge,

BKR
27.9.41

Law Secy)

Hm
2
29/9/41

BKR
28.9.41

Dev Secy)

Sec'y
28.9.41

The Bill was placed before the Assembly and its principles were approved by that Chamber.

It is for orders if the Bill as may be published under rule 36 of the Mysore Legislative Rules, in which case it shall not be necessary to move for leave to introduce.

The Statement of principles will, it appears, be adopted as the statement of Objects and Reasons

Sec'y
3.11.41

Law Secy)

May be approved

Minister for Law)

Hm
2
3/11/41

and notes on clauses attached

Sec'y
3.11.41

Sec'y
4/11

Hm
2
5.11.41

SECY. LAW DEPT.
28 SEP. 1941
GOVT. MYSORE

No.

A Statement of Objects and Reasons and Notes on Clauses are put up. The publication of the Bill and Statement under rule 36 is for order.

[illegible] 7.11.41

aw Secy)

May be approved

Minister for Law & Revenue) [illegible] 7.11.41

[illegible] 7.11.41

DEPUTY'S OFFICE
10. NOV. 1941
NO. 3915

OFFICE OF THE MINISTER FOR LAW
NOV 8 1941
No 4464

Petroleum Bond

General and Revenue Secretariat
R. A. & L. C.

File No. of 194 App. F. III-2

Serial No.

On the other hand, the Bill was passed without any discussion whatever in the R.A.

In the circumstances it is for Consideration whether motions to pass the Bill at one sitting may not be moved and if any member moves for reference to a Select Committee, such amendment be accepted then.

The following motions are therefore suggested for Consideration

Motion that the Bill published under Rule 3 of the Imperial Legislative Rules be taken into Consideration by the Council at once

Mover - Minister for Law

Seconder: Dev. Secy

Motion that the Bill be passed

Mover Minister for Law

Seconder Dev. Secy

19.11.41

Law Secy,

May be approved.

Minister for Law

Hm 2 19.11.41. 20.11.41

20/11/41

Hm 2 21/11/41.

Secy Revenue

21.11.41

Noted & returned

21.11.41

The Bill was passed by the L.C. at its sitt

A copy of the Bill as passed by the L.C. and
ved by the President L.C. under S.O. 44 is submi
ewith a motion to Clause No 45

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Law on the subject of the promulgation into law of the Mysore Petroleum Bill, for His Highness's gracious approval.

N. Madhava Rao

DEWAN.

Camp Trivandrum,
5th January 1942.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation into law of the Mysore Petroleum Bill.

The Mysore Petroleum Act

General and Revenue Secretariat
R. A. & L. C.

Sp. File No. 32 of 1942. 276/42

App. F. III

Serial No.

The previous assent of His Highness the Maharaja has been accorded on 6.1.42 to promulgate the Bill into Law

A draft Go. directing publication of the Act as Act no VI of 1942 is put up

Sd/-
27.1.42

Secy
RS & Re

BKR
27.1.42

Law Secy)

Hm
2
27.1.42

DSRao
BKR
27.1.42

Issued No RL 1316 - Legis 37-41-1, dated 27th Jan 1942 to the Compiler, Mysore Gazette — Directs publication of the Mysore Petroleum Act

The file will be recorded, if approved.

24.
19-5-42
BVN
19/5

Sd/-
1954

GOVT. LAW DEPT.
RS-1
27 JAN 1942

DRAFT PETROLEUM BILL

STATEMENT OF OBJECTS AND REASONS.

The Mysore Petroleum Act was introduced in 1923 (I of 1923) on the lines of the Indian Petroleum Act of 1899 to control and regulate the importation, possession and transport of petroleum and other substances in the State. The Government of India Petroleum Act of 1934 on which the draft Petroleum Bill is now framed differs from that of 1899 in many respects. No provision exists in the present Act to regulate the production, refining and blending of petroleum, but the draft bill provides for these. There are many important provisions incorporated in the draft bill which have been found necessary in the course of administering the Act. The draft bill is more comprehensive and based on the latest practice obtaining in the United Kingdom and British India.

Since the State has all along been following the British Indian practice in the matter of administration of the Petroleum Act it is necessary that the Mysore Petroleum Act I of 1923 should be revised to bring it into line with the Indian Petroleum Act, 1934. The draft bill has accordingly been framed on the lines of the Indian Act, except in certain minor respects to suit local conditions When passed into law, it will supersede the Mysore Petroleum Act I of 1923.

nief Inspector of Mines &
Explosives in Mysore.

DRAFT MYSORE PETROLEUM BILL.

Comparative statement showing the existing and proposed sections of the Mysore Petroleum Act.

Mysore Petroleum Act, I of 1923.	Draft Petroleum Bill.
1. No provision exists to regulate the production, refining and blending of petroleum.	The New Act provides for these.
2.	The Schedule of Methods of testing of petroleum which formed part of the Act has been revised on the lines of the latest methods adopted by the Institution of Petroleum Technologists, London, and incorporated in the Petroleu Rules.
3. Section 2 - Definitions	This Section has been amplified an many terms used in the Act have been clearly defined.
4. Section 6.- No license is needed for the possession or transport of dangerous petroleum not exceeding 3 gallons.	Section 8.- The quantity has been raised to 6 gallons.
5. Section 10.- No license is required for the possession and transport of 500 gallons or less of non - dangerous petroleum.	Section 7.- It is obligatory to obtain a license if any of this quantity is contained in a receptacle exceeding two hundred gallons in capacity.
	Section 9.- The owner of a motor conveyance is exempt from taking out a licens for the import, transport or storage of any petroleum containe in any fuel tank incorporated in the conveyance and for the transport or storage of dangerous petroleum not exceeding twenty gallons in quantity in addition t any quantity possessed in the fue tank , provided the petroleum is intended to be used to generate motive power for the motor conveyance.
	Section 10.- Exempts the Railway Administration from taking out a license for the import or transport of an petroleum in its possession in it capacity as carrier. (This ia a new provision).

Testing

Mysore Petroleum Act, I of 1923.	Draft Petroleum Bill.
...	Testing of Petroleum.- A new Chapter on Testing of Petroleum has been incorporated.
...	Section 27.- Provides for the reporting of accidents from petroleum causing loss of human life or serious injury to person or property and the institutio of enquiries into the same.

N.B.-

Besides the above, there are many other less important provisions incorporated in the draft bill which have been found necessary in the course of administering the Act. On the whole, the draft bill is more comprehensive and based on the latest practice obtaining in the United Kingdom and British India.

Chief Inspector of Mines &
Explosives in Mysore.

1/4/40.

THE MYSORE PETROLEUM ~~ACT, 1958~~

A Bill to Consolidate and amend the law relating to the import, transport, storage, production, refining and blending of petroleum and other inflammable substances.

ACT of 1938

WHEREAS it is expedient to consolidate and amend the law relating to the import, transport, storage, productio refining and blending of petroleum and other inflammable substances; His Highness the Maharaja is pleased to enact as follows:-

1.(1) This Act may be called the Mysore Petroleum Act, ~~1938~~. 194 .

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context,-

(a) "petroleum" means any liquid hydrocarbon or mixture of hydrocarbons, and any inflammable mixture (liquid, viscous or solid) containing any liquid hydrocarbon;

(b) "dangerous petroleum" means petroleum having its flashing-point below seventy-six degrees Fahrenheit;

(c) "flashing-point" of any petroleum means the lowest temperature at which it yields a vapour which will give a momentary flash when ignited determined in accordance with the provisions of Chapter II and the rules made thereunder;

(d) "to transport" petroleum means to move petroleum from one place to another in Mysore State;

(e) "to import" petroleum means to bring it into Mysore State by land or air, otherwise than during the course of transport;

(f) "to store" petroleum means to keep it in any one place, but does not include any detention happening during the ordinary course of transport;

(g) "motor conveyance" means any vehicle or aircraft for the conveyance of human beings, animals or goods, by land or air, in which petroleum is used to generate the motive power.

(h) "prescribed" means prescribed by rules made under this Act.

CHAPTER I.

Control over Petroleum

Import, Transport and Storage of petroleum.

3. (1) No one shall import, transport or store any petroleum save in accordance with the Rules made under section 4.

(2) Save in accordance with the conditions of any license for the purpose which he may be required to obtain by rules made under section 4, no one shall import any dangerous petroleum, and no one shall transport or store any petroleum.

Rules for the import, transport and storage of petroleum.

4. The Government may make rules -

(a) regulating the import of petroleum;

(b) prescribing the periods within which licenses for the import of dangerous petroleum shall be applied for, and providing for the disposal,

by

by confiscation or otherwise, of any dangerous petroleum in respect of which a licence has not been applied for within the prescribed period or has been refused and which has not been exported;

) regulating the transport of petroleum;

) specifying the nature and condition of all receptacle and pipe lines in which petroleum may be transported

) regulating the places at which and prescribing the conditions subject to which petroleum may be stored;

) specifying the nature, situation and condition of all receptacles in which petroleum may be stored;

;) prescribing the form and conditions of licences for the import of dangerous petroleum, and for the transport ~~and~~ or storage of any petroleum, the manner in which applications for such licences shall be made, the authorities which may grant such licences and the fees which may be charged for such licences

(h) determining in any class of cases whether a licence for the transport of petroleum shall be obtained by the consignor, consignee or carrier;

(i) providing for the granting of combined licences for the import, transport and storage of petroleum, or for any two of such purposes;

(j) prescribing the proportion in which any specified poisonous substance may be added to petroleum, and prohibiting the import, transport or storage of petroleum in which the proportion of any specified poisonous substance exceeds the prescribed proporti

(k) generally, providing for any matter which in (their) opinion is expedient for proper control over the import, transport and storage of petroleum.

from the operation of this section.

No licence needed for small stocks of non-dangerous petroleum not in bulk.

7. Notwithstanding anything contained in this Chapter, a person need not obtain a licence for the transport or storage of non-dangerous petroleum if the total quantity in his possession at any one place does not exceed five hundred gallons and none of it is contained in a receptacle exceeding two hundred gallons in capacity.

No licence needed for small quantities of dangerous petroleum.

8. (1) Notwithstanding anything contained in this Chapter, a person need not obtain a licence for the import, transport or storage of dangerous petroleum not intended for sale if the total quantity in his possession does not exceed six gallons.

(2) Dangerous petroleum possessed without a licence under this section shall be kept in securely stoppered receptacles of glass, stoneware or metal which shall not in the case of receptacles of glass or stoneware exceed one quart in capacity or in the case of receptacles of metal five gallons in capacity.

Exemptions for motor conveyances and stationary engines.

9. (1) The owner of a motor conveyance, who complies with the requirements of the law for the time being in force relating to the registration and licensing of such conveyances and its driver or pilot and the owner of any stationary internal combustion engine, shall not be required to obtain a licence

(a) for the import, transport or storage of any petroleum contained in any fuel tank incorporated in the conveyance or attached to the internal combustion engine, or

(b) for the transport or storage of dangerous petroleum, not exceeding twenty gallons in quantity in addition to any quantity possessed under clause (a)

provided

provided the petroleum is intended to be used to generate motive power for the motor conveyance or engine.

Provided further that the total quantity of dangerous petroleum which may be stored without a license under clause (b) shall not exceed twenty gallons, notwithstanding that such owner may possess other motor conveyances or engines.

sub-section (2) of section 8, and, if it exceeds six gallons in quantity, shall be stored in an isolated place which does not communicate with any room where any person resides or works or in any room where persons assemble.

No licenses is needed by railway administration acting as carrier.

10. Notwithstanding anything contained in this Chapter, the railway administration, as defined in section 3 of the Mysore Railways Act, 1894, need not obtain any license for the import or transport of any petroleum in its possession in its capacity as carrier.

(N.B.- Such a provision does not exist in our present Act).

Exemption of heavy oils.

11. Nothing in this Chapter shall apply to any petroleum which has its flashing -point not below two hundred degrees Fahrenheit.

General power of exemption.

12. The Government may, by notification in the official Gazette, exempt any petroleum specified in the notification from all or any of the provisions of this Chapter.

Inspection of places.

13.(1) The Government may authorise any officer by name or by virtue of office to enter any place where petroleum is being imported, stored, produced, refined or blended, or is under transport, and inspect all receptacles, plant and appliances used in connection with petroleum in order to ascertain if they are in accordance with the provisions of this Chapter and the Rules made thereunder.

(2) The Government may make rules regulating the procedure of officers authorised under this section.

submitted to him for this purpose.

(2) If any apparatus is found by him to agree with the Standard Test Apparatus within prescribed limits, the officer shall engrave such apparatus with a special number and with the date of comparison, and shall give a certificat in respect of it in the prescribed form, certifying that on the said date the apparatus was compared with the Standar Test Apparatus and was found to agree with it within the prescribed limits, and specifying any corrections to be made in the results of tests carried out with the apparatus.

(3) A certificate granted under this section shall be valid for such period as may be prescribed.

(4) A certificate granted under this section shall during the period for which it is valid, be proof, until the contrary is proved, of any matter stated therein.

(5) The officer shall keep a register in the prescribed form of all certificates granted by him under this section.

17. The Government may authorise any officer by name or by virtue of office to test petroleum of which samples have been taken under this Act, or which may have been submitted to him for test by any person, and to grant certificates of the results of such tests.

18. All tests of petroleum made under this Act shall be made with a test apparatus in respect of which there is a valid certificate under section 16, shall have due regard t any correction specified in that certificate, and shall be carried out in accordance with rules made under section 21.

19. (1) The testing officer after testing samples of

petroleum

shall make out a certificate in the prescribed form, stating whether the petroleum is dangerous or non-dangerous, and, if the petroleum is non-dangerous, the flashing-point of the petroleum.

(2) The testing officer shall furnish the person concerned, at his request, with a certified copy of the certificate, on payment of the prescribed fee, and such certified copy may be produced in any Court in proof of the contents of the original certificate.

(3) A certificate given under this section shall be admitted as evidence in any proceedings which may be taken under this Act in respect of the petroleum from which the samples were taken, and shall, until the contrary is proved be conclusive proof that the petroleum is dangerous or non-dangerous, as the case may be, and, if the petroleum is non-dangerous, of its flashing-point.

20. (1) The owner of any petroleum, or his agent, who is dissatisfied with the result of the test of the petroleum may, within seven days from the date on which he received intimation of the result of the test, apply to the officer empowered under section 14 to have fresh samples of the petroleum taken and tested.

(2) On such application and on payment of the prescribed fee, fresh samples of the petroleum shall be taken in the presence of such owner or agent or person deputed by him, and shall be tested in the presence of such owner or agent or person deputed by him.

(3) If, on such re-test, it appears that the origin test was erroneous, the testing-officer shall cancel the original certificate granted under section 19, shall make

out a fresh certificate, and shall furnish the owner of the petroleum , or his agent, with a certified copy thereof, free of charge.

Power to make rules regarding tests.

21. The Government may make rules -

(a) for the specification, verification, correction and replacement of the Standard Test Apparatus;

(b) prescribing fees for the inspection of the Standard Test Apparatus;

(c) regulating the procedure in comparing a test apparatus with the Standard Test Apparatus;

(d) prescribing the form of ~~the register~~ certificate to be given in respect of a test apparatus so compare and the period for which such certificates shall be valid;

(e) prescribing the form of the register of such certificates;

(f) prescribing fees for comparing a test apparatus with the Standard Test Apparatus;

(g) regulating the procedure of testing officers in carrying out tests of petroleum, providing for the averaging of results where several samples of the same petroleum are tested, and prescribing the variations from standard temperatures which may be allowed;

(h) prescribing the form of certificates of tests of petroleum and the fees which may be charged therefor;

(i) providing, where the results of the testing of samples raise a doubt as to the uniformi of the quality of the petroleum in any lot under test, for the division of the lot int sub-lots, and for the selection and testing of samples of each sub-lot and for the averaging of results in accordance with the results of tests of those samples;

(j) prescribing fees for re-tests under section 20 and providing for their refund where the original test was erroneous; and

(k) generally, regulating the procedure of all officers performing duties connected with the testing of petroleum, and providing for any matter incidental to such testing.

22. The Government may also make rules providing ally for the testing of any form of petroleum which scous or solid or contains sediment or thickening lients, and such rules may modify or supplement any c he provisions of this Chapter or of the rules made under ection 21 in order to adapt them to the special needs of uch tests.

CHAPTER III

Penalties and Procedure

23 (1) Whoever -

(a) in contravention of any of the provis Chapter I or of any of the rules mad under, imports, transports, stores, refines or blends any petroleum, or

c) being the holder of a licence issued under section 4 or a person for the time being placed by the holder of such licence in control or in charge of any place where petroleum is being imported or stored, or is under transport, contravenes any condition of such licence or suffers any condition of such licence to be contravened, or"

(b) contravenes any rule made under section 4 or section 5, or

(c) breaks the condition of any license held by him, issued under section 4, or

(d) being for the time being in control or in charge of any place where petroleum is being imported, stored, produced, refined or blended or is under transport, refuses or neglects to show to any officer authorised under section 13 any receptacle, plant or appliance used in such place in connection with petroleum, or in any way obstructs or fails to render reasonable assistance to such officer during an inspection, or

being for the time being in control or in charge of any place where petroleum is beir imported, transported, stored, produced, refined or blended, refuses or neglects to show to any officer authorised under sectic 14 any petroleum in such place, or to give him such assistance as he may require for the inspection of such petroleum, or refuse to allow him to take samples of the petrole or

being required under section 27, to give information of an accident, fails to giv such information as so required by t section,

le with fine which may extend to five

(2) If any person, having been convicted of an offence punishable under sub-section (1), is again guilty of any offence punishable under that sub-section, he shall be punishable for every such subsequent offence with fine which may extend to two thousand rupees.

Confiscation of petroleum and receptacles.

24 (1) In any case in which an offence under clause (a) or clause (b) or clause (c) of sub-section (1) of section 23 has been committed, the convicting Magistrate may direct that -

(a) the petroleum in respect of which the offence has been committed, or

(b) where the offender is convicted of importing, transporting or storing petroleum exceeding the quantity he is permitted to import, transport or store, as the case may be, the whole of the petroleum in respect of which the offence was committed,

shall, together with the receptacles in which it is cor be confiscated.

(2) This power may also be exercised by the H Court in the exercise of its appellate or revisional pc

25. Offences punishable under this Act shall triable by a Magistrate of the First Class.

26 (1) The Government may, by notification i the Gazette authorise any officer by name or by virtu of office to enter and search any place where he has reason to believe that any petroleum is being importe transported, stored, produced, refined or blended oth than in accordance with the provisions of this Act an the rules made thereunder and to seize, detain or rem any or all of the petroleum in respect of which in hi

CHAPTER IV.
SUPPLEMENTAL.

Provisions relating to rules.

29. (1) In making any rules under this Act, the Government may

(a) provide for any matter ancillary to such rule for which in their opinion provision is necessary to protect the public from danger arising from the import, transport, storage, production, refining or blending of petroleum and

(b) make special provision for the special circumstances of any place.

(2) Every power to make rules conferred by this Act is subject to the condition of previous publication.

(3) All rules made under this Act shall be published in the Official Gazette.

Power to apply Act to other substances.

30. (1) The Government may, by notification in the Official Gazette apply any or all the provisions of this Act, and of the Rules made thereunder with such modifications as he may specify, to any dangerously inflammable substance, other than an explosive, and thereupon the provisions so applied shall have effect as if such substance had been included in the definition of petroleum.

(2) The Government may make rules providing specia for the testing of any substance to which any of the provis of this Act have been applied by notification under sub-sec (1) and such rules may supplement any of the provisions of Chapter II in order to adapt them to the special needs of

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF

General and Revenue Secretariat

No. D 5050

Bangalore, Dated 16th January 1938.
185

From

The *Secretary to the Government of His Highness the Maharaja of Mysore,*
Development Department.

To

The Chief Inspector of Mines and Explosives
in Mysore, Bangalore.

Sir,

With reference to your letter No.1231 dated 21st ~~Dexxx~~ December 1937 regarding the revision of the Mysore Petroleum Act, I am directed to request you to send, for reference, a copy of the Indian Petroleum Act, XXX of 1934 as the same is not available here. This will be returned when no longer required.

I have the honor to be,

Sir,

Your most obedient servant,

For Secretary to Government
Development Department.

Appendix F G—1]

SUBJECT .....

.....

.....

Section Legal

File No. 46-37

Serial No.

No. D 5050

Diary No. of letter replied to.....

To

The Chief Inspector of
Mines & Explosives

General and Revenue Secretariat

the *193*

Date of issue 18-1-38

Signed by Mr K. Srinivasan

Sir,

With reference to your letter
No 1231 dated 24/12/37 re the
revision of the Madras Petroleum
Act, I am directed to request
you to send, for reference, a
copy of the Andhra Petroleum
Act, xxx of 1934. This will
be returned when no longer required
~~done with~~

I have, &c.

18/1/38

for Secy

List of enclosures.....

Copied by .....

Examined by.....

Appendix F G—1]

SUBJECT... .....

.....

.....

Section Geol

File No. 46-37

Serial No. 6

No. A7.5077

Diary No. of letter replied to.....

To

The Chief Inspr. of Mines & Explosives

Sir,

General and Revenue Secretariat

( )

the *193*

Correspondence ending with

With reference to your letter No. 1495 d. 19.1.1938 re: the revision of the Mysore petroleum Act I am directed to request you to revise the dft bill, if necessary, so as to submit a Comparative Statement showing the existing and proposed sections of the Mysore petroleum Act together with a statement of objects and reasons for amendments proposed

2) A draft of the new Mysore petroleum Act received with your letter No. 1231 d. 21.12.37 and a copy of the Indian petroleum Act xxx of 1934 are herewith sent and they may be returned with your report.

3) [illegible]

Date of issue 21-2-1938

Signed by [illegible]

make it upto date

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. A7.5077 Genl 36-37/Rev

Dated, Bangalore, 21-3-1938

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Development Departmen

To

The Chief Inspector of Mines and Explosives,

Oorigaum. (K.G.F.).

Sir,

With reference to correspondence ending with your letter No.1495 dated 19th January 1938 regarding the revision of the Mysore Petroleum Act, I am directed to request you to revise the draft bill, if necessary so as to make it up-to-date and to submit a comparative statement showing the existing and proposed sections of the Mysore Petroleum Act together with a statement of objects and reasons for amendments proposed.

2. A draft of the new Mysore petroleum Act received with your letter No.1231 dated 21st December 1937 and a copy of the Indian Petroleum Act XXX of 1934 are herewith sent and they may be returned with your report.

3. The matter may be treated as urgent and reply sent very early.

I have the honour to be,
Sir,
Your most obedient servant.

(Sd) 21/3/38.

For Secretary to Government,
Development Department.

Telegraphic Address :—
"MINESPECTOR"

Geol 46-37-7.

GOVERNMENT OF MYSORE.

DEPARTMENT OF MINES AND EXPLOSIVES.

No. 2066
Encl. 3

Geol

Dated Oorgaum, 1st April 1940.
(S. India)

3955

FROM

K. Duraiswamier, Esq., B.A.,A.I.M.M.,
Chief Inspector of Mines and Explosives in Mysore.

To.

Charles Noronha, Esq., M.A.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Development Department, Bangalore.

Draft Petroleum Bill.

Sir,

With reference to your letter No.A.F.5077/Geol.46-37 dated 21-3-40 re: the revision of the Mysore Petroleum Act I of 1923, I have the honour to state that there are no amendments to be incorporated in the draft petroleum bill. A comparative statement showing the important particulars in which the existing Act and the draft bill differ from each other together with a statement of objects and reasons is enclosed herewith.

The Mysore Petroleum Act, I of 1923 which was passed into law in 1923 is based on the Indian Petroleum Act of 1899 which has been superseded by Act XXX of 1934. The latter Act provides for many of the deficiencies in the earlier Act which was passed at a time when the use of 'petrol' was limited. The new bill embodies almost the whole of the petroleum legislation of the United Kingdom

The draft Mysore Petroleum Bill and copy of the Indian Petroleum Act received with your letter under reply are returned herewith.

I have the honour to be,
Sir,
Your most obedient servant,

K. Duraiswamier
Chief Inspector of Mines &
Explosives in Mysore.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF M

Immediate.

General and Revenue Secretariat

No. A 76056 / Gee 46-37-8

Dated, Bangalore, 7th May.

From

The Secretary to the Government of His Highness the Maharaja of M
Development

To

The Chief Inspector of Mines and Explosives

Sir,

With rererence to correspondence ending with your
dated 1st April 1940 regarding the revision of the Mysore
of 1923, I am directed to state that in the Draft Bill fo
of the Mysore Petroleum Act I of 1923, you have stressed
of a provision relating to production refining and blend
and to enquire whether any of these operations (relating
refining and blending of petroleum) are now carried on i
add that if there are not such operations we need not gi
prominence to this in the statement of objects and reaso

An immediate reply may kindly be sent.

I have the honour to be
Sir,
Your most obedient servan

For Secretary to Governmen
Development Department

Telegraphic Address :—
"MINESPECTOR"

GOVERNMENT OF MYSORE.

DEPARTMENT OF MINES AND EXPLOSIVES.

No. 2350
Encl.

SECY. DEV. DEPT. 10 MAY 1940 GOVT OF MYSORE

Dated Oorgaum, 9th May 1940.
(S. India)

IMMEDIATE.

FROM

K. Duraiswamier, Esq., B.A., A.I.M.M.,
Chief Inspector of Mines and Explosives in Mysore.

4559

To

C.E. Noronha, Esq., M.A.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Development Department,
Bangalore.

Sir,

Draft Petroleum Bill.

With reference to your letter No.A.F.6056/Geol.46-37-8 dated 7th May 1940 on the above subject, I have the honour to state that the provision relating to production, refining and blending of petroleum in the draft bill should be retained, although prominence may not be given to it in the statement of objects and reasons. There were three applications from outsiders for distilling crude petroleum in the State in order to produce kerosene and other products but there was no response from the applicants when detailed plans of the plant were called for. The question is dormant for the time being but it may crop up again at any moment and therefore it is necessary to retain Section 5 of the draft bill.

I have the honour to be,

Sir,

Your most obedient servant,

K. Duraiswamier

Chief Inspector of Mines &
Explosives in Mysore.

Dear Sir,

I am desired to send herewith a copy of the Mysore Petroleum Bill and to request you to be so good as to have the matter set in type and four clean proofs sent to this office before the end of this week.

The matter may kindly be treated as urgent.

Yours sincerely,

BKR

B. Krishnaswamy Chetty, Esq.,B.E., etc.,
Superintendent,
Government Printing,
Bangalore.

(*b*) in the entry relating to lead poisoning or its sequelæ, to the words in the first column the words "excluding poisoning by lead tetra-ethyl" shall be added and for the words "or its preparations or compounds" in the second column the words "or any of its preparations or compounds except lead tetra-ethyl" shall be substituted; and

(*c*) for the existing entry relating to compressed air illness or its sequelæ the following entries shall be substituted, namely—

"Arsenical poisoning or its sequelæ."	Any process involving the production, liberation or utilisation of arsenic or its compounds.
Pathological manifestations due to—	Any process involving exposure to the action of radium, radio-active substances, or X-Rays.
(*a*) radium and other radio-active substances;	
(*b*) X-Rays	
Primary epitheliomatous cancer of the skin.	Any process involving the handling of use of tar, pitch, bitumen, minera, oil, parafin, or the compounds, products or residues of these sub-

(*e*) regulating the places at which and prescribing the conditions subject to which petroleum may be stored;

(*f*) specifying the nature, situation and condition of all receptacles in which petroleum may be stored;

(*g*) prescribing the form and conditions of licences for the import of dangerous petroleum, and for the transport or storage of any petroleum, the manner in which applications for such licences shall be made, the authorities which may grant such licences and the fees which may be charged for such licences;

(*h*) determining in any class of cases whether a licence for the transport of petroleum shall be obtained by the consignor, consignee or carrier;

(*i*) providing for the granting of combined licences for the import, transport and storage of petroleum, or for any two of such purposes;

(*j*) prescribing the proportion in which any specified poisonous substance may be added to petroleum, and prohibiting the import, transport or storage of petroleum in which the proportion of any specified poisonous substance exceeds the prescribed proportion; and

(*k*) generally, providing for any matter which in its opinion is expedient for proper control over the import, transport and storage of petroleum.

Production, refining and blending of petroleum.

5. (1) No one shall produce, refine or blend petroleum save in accordance with the rules made under sub-section (2).

(2) The Government may make rules—

(*a*) prescribing the conditions subject to which petroleum may be produced, refined or blended; and

(*b*) regulating the removal of petroleum from places where it is produced, refined or blended and preventing the storage therein and removal therefrom, except as dangerous petroleum, of any petroleum which has not satisfied the prescribed tests.

Receptacles of dangerous petroleum to show a warning.

6. All receptacles containing dangerous petroleum shall have a stamped, embossed, painted or printed warning, either on the receptacle itself or where that is impracticable displayed near the receptacle, exhibiting in conspicuous characters the words "Petrol" or "Motor Spirit" or an equivalent warning of the dangerous nature of the petroleum;

Provided that this section shall not apply to —

(*a*) any securely stoppered glass, stoneware or metal receptacle of less than two gallons capacity containing dangerous petroleum which is not for sale, or

(*b*) a tank incorporated in a motor conveyance or attached to an internal combustion engine, and containing petroleum intended to be used to generate motive power for the motor conveyance or engine, or

(*c*) a pipe-line for the transport of petroleum, or

(*d*) any tank which is wholly underground, or

(*e*) any class of receptacles which the Government may, by notification in the official Gazette, exempt from the operation of this section.

No licence needed for small stocks of non-dangerous petroleum not in bulk.

7. Notwithstanding anything contained in this Chapter, a person need not obtain a licence for the transport or storage of non-dangerous petroleum if the total quantity in his possession at any one place does not exceed

five hundred gallons and none of it is contained in a receptacle exceeding two hundred gallons in capacity.

No licence needed for small quantities of dangerous petroleum.

8. (1) Notwithstanding anything contained in this Chapter, a person need not obtain a licence for the import transport or storage of dangerous petroleum not intended for sale if the total quantity in his possession does not exceed six gallons.

(2) Dangerous petroleum possessed without licence under this section shall be kept in securely stoppered receptacles of glass, stoneware or metal which shall not in the case of receptacles of glass or stoneware, exceed one quart in capacity or in the case of receptacles of metal five gallons in capacity.

Exemptions for motor conveyances and stationary engines.

(1) The owner of a motor conveyance, who complies with the requirements of the law for the time being in force relating to the registration and licensing of such conveyances and its driver or pilot and the owner of any stationary internal combustion engine, shall not be required to obtain a licence—

for the import, transport or storage of any petroleum contained in any fuel tank incorporated in the conveyance or attached to the internal combustion engine, or

for the transport or storage of dangerous petroleum, not exceeding twenty gallons in quantity in addition to any quantity possessed under clause (*a*), provided the petroleum is intended to be used to generate motive power for the motor conveyance or engine:

Provided further that the total quantity of dangerous petroleum which may be stored without a licence under clause (*b*) shall not exceed twenty gallons, notwithstanding that such owner may possess other motor conveyances or engines.

(2) The dangerous petroleum transported or stored without a licence under clause (b) of sub-section (1) shall be kept as provided in sub-section (2) of section 8, and, if it exceeds six gallons in quantity, shall be stored in an isolated place which does not communicate with any room where any person resides or works or in any room where persons assemble

Notwithstanding anything contained in this Chapter, the railway administration, as defined in section 3 of the Mysore Railways Act, 1894, need not obtain any licence for the import or transport of any petroleum in its possession in its capacity as carrier.

11. Nothing in this Chapter shall apply to any petroleum which has its flashing-point not below two hundred degrees Fahrenheit.

12. The Government may, by notification in the Official Gazette, exempt any petroleum specified in the notification from all or any of the provisions of this Chapter.

(1) The Government may authorise any officer by name or by virtue of office to enter any place where petroleum is being imported, stored, produced, refined or blended, or is under transport, and inspect all receptacles, plant and appliances used in connection with petroleum in order to ascertain if they are in accordance with the provisions of this Chapter and the rules made thereunder.

(2) The Government may make rules regulating the procedure of officers authorised under this section.

CHAPTER II.

THE TESTING OF PETROLEUM.

Inspection and sampling of petroleum.

14. (1) The Government may, by notification in the official Gazette, authorise any officer by name or by virtue of office to enter any place where petroleum is being imported, transported, stored, produced, refined or blended and to inspect and take samples for testing of any petroleum found therein.

(2) The Government may make rules—

(*a*) regulating the taking of samples of petroleum for testing,

(*b*) determining the cases in which payment shall be made for the value of samples taken, and the mode of payment, and

(*c*) generally, regulating the procedure of officers exercising powers under this section.

Standard Test Apparatus.

15. (1) A standard apparatus for determining the flashing-point of petroleum shall be deposited with an officer to be appointed in this behalf by the Government by notification in the official Gazette.

(2) Such apparatus shall be engraved with the words "Standard Test Apparatus" and shall be verified and corrected from time to time and replaced when necessary, in accordance with rules made under section 21.

(3) The Standard Test Apparatus shall, on payment of the prescribed fee, be open to inspection at all reasonable times by any person wishing to inspect it.

Certification of other test apparatus.

16. (1) The officer appointed under section 15, shall, on payment of the prescribed fee, if any, compare with the Standard Test Apparatus any apparatus for determining the flashing-point of petroleum which may be submitted to him for this purpose.

(2) If any apparatus is found by him to agree with the Standard Test Apparatus within prescribed limits, the officer shall engrave such apparatus with a special number and with the date of comparison, and shall give a certificate in respect of it in the prescribed form, certifying that on the said date the apparatus was compared with the Standard Test Apparatus and was found to agree with it within the prescribed limits, and specifying any corrections to be made in the results of tests carried out with the apparatus.

(3) A certificate granted under this section shall be valid for such period as may be prescribed.

(4) A certificate granted under this section shall, during the period for which it is valid, be proof, until the contrary is proved, of any matter stated therein.

(5) The officer shall keep a register in the prescribed form of all certificates granted by him under this section.

Testing officers.

17. The Government may authorise any officer by name or by virtue of office to test petroleum of which samples have been taken under this Act, or which may have been submitted to him for test by any person, and to grant certificates of the results of such tests.

Manner of test.

18. All tests of petroleum made under this Act shall be made with a test apparatus in respect of which there is a valid certificate under section 16, shall have due regard to any correction specified in that certificate,

nd shall be carried out in accordance with rules made nder section 21.

19. (1) The testing officer after testing samples of etroleum shall make out a certificate in the prescribed orm, stating whether the petroleum is dangerous or non-angerous, and, if the petroleum is non-dangerous, the lashing-point of the petroleum.

(2) The testing officer shall furnish the person oncerned, at his request, with a certified copy of the ertificate, on payment of the prescribed fee, and such ertified copy may be produced in any Court in proof of he contents of the original certificate.

(3) A certificate given under this section shall be dmitted as evidence in any proceedings which may be taken under this Act in respect of the petroleum from which the samples were taken, and shall, until the contrary is proved, be conclusive proof that the petroleum is dangerous or non-dangerous, as the case may be, and, if the petroleum is non-dangerous, of its flashing-point

20. (1) The owner of any petroleum, or his agent who is dissatisfied with the result of the test of the petroleum may, within seven days from the date on which he received intimation of the result of the test, apply to the officer empowered under section 14 to have fresh samples of the petroleum taken and tested.

(2) On such application and on payment of the prescribed fee, fresh samples of the petroleum shall be taken in the presence of such owner or agent or person deputed by him, and shall be tested in the presence of such owner or agent or person deputed by him.

(3) If, on such re-test, it appears that the original test was erroneous, the testing-officer shall cancel the original certificate granted under section 19, shall make out a fresh certificate, and shall furnish the owner of the petroleum, or his agent, with a certified copy thereof, free of charge.

The Government may make rules—

or the specification, verification, correction and replacement of the Standard Test Apparatus;

prescribing fees for the inspection of the Standard Test Apparatus;

egulating the procedure in comparing a test apparatus with the Standard Test Apparatus;

prescribing the form of certificate to be given in respect of a test apparatus so compared, and the period for which such certificates shall be valid;

rescribing the form of the register of such certificates;

rescribing fees for comparing a test apparatus with the Standard Test Apparatus

egulating the procedure of testing officers in carrying out tests of petroleum, providing for the averaging of results where several samples of the same petroleum are tested, and prescribing the variations from standard temperatures which may be allowed

prescribing the form of certificates of tests of petroleum and the fees which may be charged therefor;

(*i*) providing, where the results of the testing of samples raise a doubt as to the uniformity of the quality of the petroleum in any lot under test, for the division of the lot into sub-lots, and for the selection and testing of samples of each sub-lot and for the averaging of results in accordance with the results of tests of those samples;

(*j*) prescribing fees for re-tests under section 20 and providing for their refund where the original test was erroneous; and

(*k*) generally, regulating the procedure of all officers performing duties connected with the testing of petroleum, and providing for any matter incidental to such testing.

Special rules for testing viscous or solid forms of petroleum.

22. The Government may also make rules providing specially for the testing of any form of petroleum which is viscous or solid or contains sediment or thickening ingredients, and such rules may modify or supplement any of the provisions of this Chapter or of the rules made under section 21 in order to adapt them to the special needs of such tests.

CHAPTER III.

PENALTIES AND PROCEDURE.

General penalty for offences under this Act.

23. (1) Whoever—

(*a*) in contravention of any of the provisions of Chapter I or of any of the rules made thereunder, imports, transports, stores, produces, refines or blends any petroleum, or

(*b*) contravenes any rule made under section 4 or section 5, or

(*c*) being the holder of a licence issued under section 4 or a person for the time being placed by the holder of such licence in control or in charge of any place where petroleum is being imported or stored, or is under transport, contravenes any condition of such licence or suffers any condition of such licence to be contravened, or

(*d*) being for the time being in control or in charge of any place where petroleum is being imported, stored, produced, refined or blended or is under transport, refuses or neglects to show to any officer authorised under section 13 any receptacle, plant or appliance used in such place in connection with petroleum, or in any way obstructs or fails to render reasonable assistance to such officer during an inspection, or

(*e*) being for the time being in control or in charge of any place where petroleum is being imported, transported, stored, produced, refined or blended, refuses or neglects to show to any officer authorised under section 14 any petroleum in such place, or to give him such assistance as he may require for the inspection of such petroleum, or refuses to allow him to take samples of the petroleum, or

(*f*) being required under section 27, to give information of an accident, fails to give such information as so required by that section,

shall be punishable with fine which may extend to five hundred rupees.

(2) If any person, having been convicted of an offence punishable under sub-section (1), is again guilty of any offence punishable under that sub-section, he shall be punishable for every such subsequent offence with fine which may extend to two thousand rupees.

(1) In any case in which an offence under clause (*a*) or clause (*b*) or clause (*c*) of sub-section (1) of section 23 has been committed the convicting Magistrate may direct that-

the petroleum in respect of which the offence has been committed.

where the offender is convicted of importing, transporting or storing petroleum exceeding the quantity he is permitted to import, transport or store, as the case may be, the whole of the petroleum in respect of which the offence was committed

shall, together with the receptacles in which it is contained, be confiscated.

This power may also be exercised by the High Court in the exercise of its appellate or revisional powers.

25. Offences punishable under this Act shall be triable by a Magistrate of the first class or by a Magistrate of the second class who has been specially empowered by the Government in this behalf

26. (1) The Government may, by notification in the official Gazette authorise any officer by name or by virtue of office to enter and search any place where he has reason to believe that any petroleum is being imported, transported, stored, produced, refined or blended otherwise than in accordance with the provisions of this Act and the rules made thereunder and to seize, detain or remove any or all of the petroleum in respect of which in his opinion an offence under this Act has been committed.

The provisions of the Code of Criminal Procedure, 1904, relating to searches shall, so far as they are applicable, apply to searches by officers authorised under this section

(3) The Government may make rules regulating the procedure of authorised officers in the exercise of their powers under this section subject, however, to the provisions of sub-section (2).

Where any accident by explosion or fire, which is attended with loss of human life or serious injury to person or property, occurs as the result of the ignition of petroleum or petroleum vapour or occurs in or near any place where petroleum is kept and under circumstances making it likely that it was the result of such ignition, the person for the time being in charge of the petroleum shall forthwith give information to the nearest Magistrate or to the officer in charge of the nearest police station.

(1) The inquiry mentioned in section 176 of the Code of Criminal Procedure, 1904, shall be held in all cases where any person has been killed by an accident which the Magistrate has reason to believe was the result of the ignition of petroleum or petroleum vapour.

Any Magistrate empowered to hold an inquest may also hold an inquiry under the said section into the cause of any accident which he has reason to believe was

the result of the ignition of petroleum or petroleum vapour, if such accident was attended with serious injury to person or property, notwithstanding that no person was killed thereby.

(3) The result of all inquiries held in pursuance of this section shall be submitted as soon as may be to the Government and the Chief Inspector of Mines and Explosives in Mysore.

CHAPTER IV.

SUPPLEMENTAL.

Provisions relating to rules.

29. (1) In making any rules under this Act, the Government may—

(*a*) provide for any matter ancillary to such rules for which in its opinion provision is necessary to protect the public from danger arising from the import, transport, storage, production, refining or blending of petroleum, and make special provision for the special circumstances of any area or place.

(2) Every power to make rules conferred by this Act is subject to the condition of previous publication.

(3) All rules made under this Act shall be published in the official Gazette.

Power to apply Act to other substances

30. (1) The Government may, by notification in the official Gazette apply any or all of the provisions of this Act, and of the rules made thereunder with such modifications as it may specify, to any dangerously inflammable substance, other than an explosive, and thereupon the provisions so applied shall have effect as if such substance had been included in the definition of petroleum.

(2) The Government may make rules providing specially for the testing of any substance to which any of the provisions of this Act have been applied by notification under sub-section (1) and such rules may supplement any of the provisions of Chapter II in order to adapt them to the special needs of such tests.

Power to limit powers of local authorities over procedure.

31. Where any enactment confers powers upon any local authority in respect of the transport or storage of petroleum the Government may, by notification in the official Gazette—

(*a*) limit the operation of such enactment, or

(*b*) restrict the exercise of such powers in any manner it deems fit.

Repeals.

32. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.

THE SCHEDULE.

ENACTMENTS REPEALED.

(*See section 32.*)

Year	Number	Short title	Extent of repeal
1923	I	The Mysore Petroleum Act, 1923	The Whole

HE PROBATE ADMINISTRATION (AMENDMENT) BILI

Under the second proviso to Section 2 of the Probate and Administration Act, 1914, no Court can receive applications for probate or letters of administration until the Government has, by a notification in the official Gazette, authorised it to do so

Soon after the Act was passed in 1914, a notification was issued by Government (Notification No. J. 762/Legis. 18-14-1, dated 15th September 1914), authorising the High Court and all District Judges in Mysore, to receive applications for probate and letters of administration.

The High Court have recently expressed the opinion that all reasonable action ought to be taken to encourage parties to apply for probate and letters of administration about which, they state, there is far too much reluctance at present. They have therefore suggested that it would be convenient to empower subordinate judges—at least at District Headquarters other than Bangalore, Mysore and Shimoga to entertain such applications. Such a course is also expected to relieve the District Courts of some work.

But as the Act stands at present, Subordinate Courts cannot be empowered to receive applications. They can only be empowered under section 52 to grant probate and letters of administration in non-contentious cases, the applications themselves having been previously filed before the District Judge. It is accordingly proposed to amend the Probate and Administration Act in order to enable Government to empower courts other than the District Courts to receive applications. The present Bill

NOTIFICATION.

No. Rl. 932, *dated Bangalore, the* 12—13*th November* 1941.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore Petroleum Bill, together with the statement of objects and rea

By Order,

H. V. NARAYANA RAO,

Secretary to Government,

Law Department.

THE MYSORE PETROLEUM BILL.

Statement of Objects and Reasons.

The Mysore Petroleum Act, 1923, is modelled on the lines of the corresponding British Indian Act of 1899 and provides for the control and regulation of the import, possession and transport of petroleum. These measures were passed at a time when the use of petroleum, particularly dangerous petroleum or petrol, was limited and with the great development in the use of petroleum, the need for a revision of the law was experienced acutely in British India. In 1934, therefore, the Indian Petroleum Act was passed superseding the earlier Act and consolidating the law on the subject.

In Mysore also it has been considered desirable to revise the law in the light of experience gained in the working of the Act of 1923, and in order to secure uniformity in the law between Mysore and British India as hithertofore. The Bill now drafted is modelled on the lines of the British Indian Act of 1934, suitably modified to meet local requirements and conditions.

The notes on clauses appended hereto explain the main provisions of the Bill.

Notes on Clauses.

Clause 1.—Only certain portions of the existing Act apply to the whole of Mysore, while power is given to the Government to apply the remainder of the Act to

areas which the Government may notify. Owing to the greatly extended use of petroleum, it is considered advisable that the entire Act is applied to the whole of Mysore.

Clause 2 (a).—The definition of petroleum in the present Act is of the categorical kind. A more technical definition based on the chemical composition of petroleum is now proposed.

Clause 2 (b).—The proviso to the definition of "dangerous petroleum" has been omitted, as obsolete. Provision for allowing minor variations has been made in the rule making power in clauses 21 (*g*) and (*i*).

Clauses 3 and 4 provide for control over the import, transport and storage of petroleum. It is intended that this should be effected mainly by rules; and in addition licences may be required in all cases except in the case of import of non-dangerous petroleum. Most of the matter contained in clause 4 is already in the existing Act in various forms and places.

Clause 5 gives power to control by rules the production and refining of petroleum.

Clause 6 corresponds to the existing section 7, with the words "petrol" or "motor spirit" replacing the words 'highly inflammable". The existing requirement that labels showing the name of the consignee, etc., should be attached to receptacles containing dangerous petroleum has been dispensed with.

Clauses 7 to 12 collect together the exemptions and powers to exempt which are scattered throughout the present Act, and embody some variations in substance.

Clauses 13, 14 and 26.—Section 11 of the existing Act gives power to authorise officers to require dealers in petroleum to show the places and vessels in which petroleum is stored, to help in the inspection of petroleum and to deliver samples. It is proposed to substitute three separate sections for this. The powers under these clauses are kept separate so that they may, if Government consider it necessary, be exercised by different officers.

Clauses 15, 16 and 17.—All tests of petroleum under this Act will be carried out by specially appointed testing officers using certified instruments. Any private enterprise may submit a test apparatus of its own for certification.

Clause 18.—The existing Act has a schedule containing elaborate provisions for testing of petroleum. The bill proposes to relegate all these matters of detail

rules which will be more easily adapted to developing conditions.

Clause 19.—This clause requires that the certificate of testing should give the flashing point in all cases where the petroleum is found to be non-dangerous.

Clause 20.—In this clause the owner of petroleum is given a right to a re-test and where the second test shows that the first was erroneous, to the issue of a fresh certificate free of all charge.

Clause 22.—Power is given by this clause to Government to make rules in respect of matters included in the schedule of the present Act.

Clause 23 provides a standard maximum punishment of fine which may extend to Rs. 500 for contraventions of the Act and Rules generally. This clause reproduces section 14 of the existing Act, but prescribes only the penalty of fine in place of imprisonment.

Clauses 27 and 28 are new but are based on similar provisions of the Mysore Explosives Act, 1888.

Clause 30.—This corresponds to section 21 of the existing Act which enables control to be exercised over inflammable substance like mythel alcohol and carbide of calcium, etc.

The Mysore Petroleum Bill.

A Bill to consolidate and amend the law relating to the import, transport, storage production, refining and blending of petroleum and other inflammable substances.

WHEREAS it is expedient to consolidate and amend the law relating to the import, transport, storage, production refining and blending of petroleum, and other inflammable substances;

It is hereby enacted as follows:—

Preliminary.

Short title, commencement and extent.

1. (1) This Act may be called the Mysore Petroleum Act, 194 .

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette appoint.

2. In this Act unless there is anything repugnant in the subject or context,—

(*a*) "petroleum" means any liquid hydrocarbon or mixture of hydrocarbons, and any inflammable mixture (liquid, viscous or solid) containing any liquid hydrocarbon;

(*b*) "dangerous petroleum" means petroleum having its flashing-point below seventy-six degrees Fahrenheit;

(*c*) "flashing-point" of any petroleum means the lowest temperature at which it yields a vapour which will give a momentary flash when ignited, determined in accordance with the provisions of Chapter II and the rules made thereunder;

(*d*) "to transport" petroleum means to move petroleum from one place to another in Mysore;

(*e*) "to import" petroleum means to bring it into Mysore by land or air, otherwise than during the course of transport;

(*f*) "to store" petroleum means to keep it in any one place, but does not include any detention happening during the ordinary course of transport;

(*g*) "motor conveyance" means any vehicle or aircraft for the conveyance of human beings, animals or goods, by land or air, in which petroleum is used to generate the motive power.

(*h*) "prescribed" means prescribed by rules made under this Act.

CHAPTER I.

Control over Petroleum.

3. (1) No one shall import, transport or store any petroleum save in accordance with the rules made under section 4.

(2) Save in accordance with the conditions of any licence for the purpose which he may be required to obtain by rules made under section 4, no one shall import any dangerous petroleum, and no one shall transport or store any petroleum.

Rules for import, transport and storage of petroleum.

4. The Government may make rules:—

(*a*) regulating the import of petroleum;

(*b*) prescribing the periods within which licences for the import of dangerous petroleum shall be applied for,

and providing for the disposal, by confiscation or otherwise, of any dangerous petroleum in respect of which a licence has not been applied for within the prescribed period or has been refused and which has not been exported;

(*c*) regulating the transport of petroleum;

(*d*) specifying the nature and condition of all receptacles and pipe-lines in which petroleum may be transported;

(*e*) regulating the places at which and prescribing the conditions subject to which petroleum may be stored;

(*f*) specifying the nature, situation and condition of all receptacles in which petroleum may be stored;

(*g*) prescribing the form and conditions of licences for the import of dangerous petroleum, and for the transport or storage of any petroleum, the manner in which applications for such licences shall be made, the authorities which may grant such licences and the fees which may be charged for such licences;

(*h*) determining in any class of cases whether a licence for the transport of petroleum shall be obtained by the consignor, consignee or carrier;

(*i*) providing for the granting of combined licences for the import, transport and storage of petroleum, or for any two of such purposes;

(*j*) prescribing the proportion in which any specified poisonous substance may be added to petroleum, and prohibiting the import, transport or storage of petroleum in which the proportion of any specified poisonous substance exceeds the prescribed proportion; and

(*k*) generally, providing for any matter which in its opinion is expedient for proper control over the import, transport and storage of petroleum.

Production, refining and blending of petroleum.

5. (1) No one shall produce, refine or blend petroleum save in accordance with the rules made under sub-section (2).

(2) The Government may make rules—

(*a*) prescribing the conditions subject to which petroleum may be produced, refined or blended; and

(*b*) regulating the removal of petroleum from places where it is produced, refined or blended and preventing the storage therein and removal therefrom, except as dangerous

petroleum, of any petroleum which has not satisfied the prescribed tests.

Receptacles of dangerous petroleum to show a warning.

6. All receptacles containing dangerous petroleum shall have a stamped, embossed, painted or printed warning, either on the receptacle itself or where that is impracticable displayed near the receptacle, exhibiting in conspicuous characters the words "Petrol" or "Motor Spirit" or an equivalent warning of the dangerous nature of the petroleum;

Provided that this section shall not apply to —

(*a*) any securely stoppered glass, stoneware or metal receptacle of less than two gallons capacity containing dangerous petroleum which is not for sale, or

(*b*) a tank incorporated in a motor conveyance or attached to an internal combustion engine, and containing petroleum intended to be used to generate motive power for the motor conveyance or engine, or

(*c*) a pipe-line for the transport of petroleum, or

(*d*) any tank which is wholly underground, or

(*e*) any class of receptacles which the Government may, by notification in the official Gazette, exempt from the operation of this section.

7. Notwithstanding anything contained in this Chapter, a person need not obtain a licence for the transport or storage of non-dangerous petroleum if the total quantity in his possession at any one place does not exceed five hundred gallons and none of it is contained in a receptacle exceeding two hundred gallons in capacity.

8. (1) Notwithstanding anything contained in this Chapter, a person need not obtain a licence for the import transport or storage of dangerous petroleum not intended for sale if the total quantity in his possession does not exceed six gallons.

(2) Dangerous petroleum possessed without a licence under this section shall be kept in securely stoppered receptacles of glass, stoneware or metal which shall not in the case of receptacles of glass or stoneware, exceed one quart in capacity or in the case of receptacles of metal five gallons in capacity.

9. (1) The owner of a motor conveyance, who complies with the requirements of the law for the time being in force relating to the registration and licensing of such conveyances and its driver or pilot and the owner of

any stationary internal combustion engine, shall not be required to obtain a licence—

(*a*) for the import, transport or storage of yan petroleum contained in any fuel tank incorporated in the conveyance or attached to the internal combustion engine, or

(*b*) for the transport or storage of dangerous petroleum, not exceeding twenty gallons in quantity in addition to any quantity possessed under clause (*a*), provided the petroleum is intended to be used to generate motive power for the motor conveyance or engine :

Provided further that the total quantity of dangerous etroleum which may be stored without a licence under lause (*b*) shall not exceed twenty gallons, notwithstand-ıg that such owner may possess other motor conveyances r engines.

(2) The dangerous petroleum transported or stored ithout a licence under clause (b) of sub-section (1) shall e kept as provided in sub-section (2) of section 8, and, if exceeds six gallons in quantity, shall be stored in an olated place which does not communicate with any room where any person resides or works or in any room where persons assemble.

10. Notwithstanding anything contained in this Chapter, the railway administration, as defined in section 3 of the Mysore Railways Act, 1894, need not obtain any licence for the import or transport of any petroleum in its possession in its capacity as carrier.

11. Nothing in this Chapter shall apply to any petroleum which has its flashing-point not below two hundred degrees Fahrenheit.

General power of exemption.

12, The Government may, by notification in the official Gazette, exempt any petroleum specified in the notification from all or any of the provisions of this Chapter.

Inspection of places

13. (1) The Government may authorise any officer by name or by virtue of office to enter any place where petroleum is being imported, stored, produced, refined or blended, or is under transport, and inspect all receptacles, plant and appliances used in connection with petroleum in order to ascertain if they are in accordance with the provisions of this Chapter and the rules made thereunder.

(2) The Government may make rules regulating the procedure of officers authorised under this section.

Inspection and sampling of petroleum.

14. (1) The Government may, by notification in the official Gazette, authorise any officer by name or by virtue of office to enter any place where petroleum is being imported, transported, stored, produced, refined or blended and to inspect and take samples for testing of any petroleum found therein.

(2) The Government may make rules—

(*a*) regulating the taking of samples of petroleum for testing,

(*b*) determining the cases in which payment shall be made for the value of samples taken, and the mode of payment, and

(*c*) generally, regulating the procedure of officers exercising powers under this section.

Standard Test Apparatus.

15. (1) A standard apparatus for determining the flashing-point of petroleum shall be deposited with an officer to be appointed in this behalf by the Government by notification in the official Gazette.

(2) Such apparatus shall be engraved with the words "Standard Test Apparatus" and shall be verified and corrected from time to time and replaced when necessary, in accordance with rules made under section 21.

(3) The Standard Test Apparatus shall, on payment of the prescribed fee, be open to inspection at all reasonable times by any person wishing to inspect it.

Certification of other test apparatus.

16. (1) The officer appointed under section 15, shall on payment of the prescribed fee, if any, compare with the Standard Test Apparatus any apparatus for determining the flashing-point of petroleum which may be submitted to him for this purpose.

(2) If any apparatus is found by him to agree with the Standard Test Apparatus within prescribed limits the officer shall engrave such apparatus with a special number and with the date of comparison, and shall give a certificate in respect of it in the prescribed form certifying that on the said date the apparatus was compared with the Standard Test Apparatus and was found to agree with it within the prescribed limits, and specifying any corrections to be made in the results of tests carried

(3) A certificate granted under this section shall be valid for such period as may be prescribed.

(4) A certificate granted under this section shall, during the period for which it is valid, be proof, until the contrary is proved, of any matter stated therein.

(5) The officer shall keep a register in the prescribed form of all certificates granted by him under this section.

Tes offic

17. The Government may authorise any officer by name or by virtue of office to test petroleum of which samples have been taken under this Act, or which may have been submitted to him for test by any person, and to grant certificates of the results of such tests.

Manner o test.

18. All tests of petroleum made under this Act shall be made with a test apparatus in respect of which there is a valid certificate under section 16, shall have due regard to any correction specified in that certificate, and shall be carried out in accordance with rules made under section 21.

Certificate of testing

19. (1) The testing officer after testing samples of petroleum shall make out a certificate in the prescribed form, stating whether the petroleum is dangerous or non-dangerous, and, if the petroleum is non-dangerous, the flashing-point of the petroleum.

(2) The testing officer shall furnish the person concerned, at his request, with a certified copy of the certificate, on payment of the prescribed fee, and such certified copy may be produced in any Court in proof of the contents of the original certificate.

(3) A certificate given under this section shall be admitted as evidence in any proceedings which may be taken under this Act in respect of the petroleum from which the samples were taken, and shall, until the contrary is proved, be conclusive proof that the petroleum is dangerous or non-dangerous, as the case may be, and, if the petroleum is non-dangerous, of its flashing-point.

Right to require re-test.

20. (1) The owner of any petroleum, or his agent, who is dissatisfied with the result of the test of the petroleum may, within seven days from the date on which he received intimation of the result of the test, apply to the officer empowered under section 14 to have fresh samples of the petroleum taken and tested.

(2) On such application and on payment of the prescribed fee, fresh samples of the petroleum shall be taken in the presence of such owner or agent or person

deputed by him, and shall be tested in the presence of such owner or agent or person deputed by him.

(3) If, on such re-test, it appears that the original test was erroneous, the testing-officer shall cancel the original certificate granted under section 19, shall make out a fresh certificate, and shall furnish the owner of the petroleum, or his agent, with a certified copy thereof, free of charge.

21. The Government may make rules

(*a*) for the specification, verification, correction and replacement of the Standard Test Apparatus;

(*b*) prescribing fees for the inspection of the Standard Test Apparatus;

(*c*) regulating the procedure in comparing a test apparatus with the Standard Test Apparatus;

(*d*) prescribing the form of certificate to be given in respect of a test apparatus so compared, and the period for which such certificates shall be valid;

(*e*) prescribing the form of the register of such certificates;

(*f*) prescribing fees for comparing a test apparatus with the Standard Test Apparatus;

(*g*) regulating the procedure of testing officers in carrying out tests of petroleum, providing for the averaging of results where several samples of the same petroleum are tested, and prescribing the variations from standard temperatures which may be allowed;

(*h*) prescribing the form of certificates of tests of petroleum and the fees which may be charged therefor;

(*i*) providing, where the results of the testing of samples raise a doubt as to the uniformity or the quality of the petroleum in any lot under test, for the division of the lot into sub-lots and for the selection and testing of sample of each sub-lot and for the averaging of results in accordance with the results of test of those samples

prescribing fees for re-tests under section 20 and providing for their refund where the original test was erroneous; and

(*k*) generally, regulating the procedure of all officers performing duties connected with the testing of petroleum, and providing for any matter incidental to such testing.

Special rules for testing viscous or solid forms of petroleum.

22. The Government may also make rules providing specially for the testing of any form of petroleum which is viscous or solid or contains sediment or thickening ingredients, and such rules may modify or supplement any of the provisions of this Chapter or of the rules made under section 21 in order to adapt them to the special needs of such tests.

CHAPTER III.

PENALTIES AND PROCEDURE.

General penalty for offences und this Act.

23. (1) Whoever—

(*a*) in contravention of any of the provisions of Chapter I or of any of the rules made thereunder, imports, transports, stores, produces, refines or blends any petroleum, or

(*b*) contravenes any rule made under section 4 or section 5, or

(*c*) being the holder of a licence issued under section 4 or a person for the time being placed by the holder of such licence in control or in charge of any place where petroleum is being imported or stored, or is under transport, contravenes any condition of such licence or suffers any condition of such licence to be contravened; or being for the time being in control or in charge of any place where petroleum is being imported, stored, produced, refined or blended or is under transport, refuses or neglects to show to any officer authorised under section 13 any receptacle, plant or appliance used in such place in connection with petroleum, or in any way obstructs or fails to render reasonable assistance to such officer during an inspection, or being for the time being in control or in charge of any place where petroleum is being imported, transported, stored, produced, refined or blended, refuses or neglects to show to any officer authorised under section 14 any petroleum in such place, or to give him such

assistance as he may require for the inspection of such petroleum, or refuses to allow him to take samples of the petroleum, or

being required under section 27, to give information of an accident, fails to give such information as so required by that section.

hall be punishable with fine which may extend to five undred rupees

(2) If any person, having been convicted of an ffence punishable under sub-section (1), is again guilty of ny offence punishable under that sub-section, he shall e punishable for every such subsequent offence with ne which may extend to two thousand rupees.

24. (1) In any case in which an offence under lause (*a*) or clause (*b*) or clause (*c*) of sub-section (1) of ection 23 has been committed the convicting Magistrate nay direct that—

he petroleum in respect of which the offence has been committed, or

where the offender is convicted of importing, transporting or storing petroleum exceeding the quantity he is permitted to import, transport or store, as the case may be, the whole of the petroleum in respect of which the offence was committed,

shall, together with the receptacles in which it is contained, be confiscated.

This power may also be exercised by the High Court in the exercise of its appellate or revisional powers.

Offences punishable under this Act shall be triable by a Magistrate of the first class, or by a Magistrate of the second class who has been specially empowered by he Government in this behalf.

(1) The Government may, by notification in he official Gazette authorise any officer by name or by virtue of office to enter and search any place where he has reason to believe that any petroleum is being imported, transported, stored, produced, refined or blended otherwise than in accordance with the provisions of this Act and the rules made thereunder and to seize, detain or remove any or all of the petroleum in respect of which

in his opinion an offence under this Act, has been committed.

(2) The provisions of the Code of Criminal Procedure, 1904, relating to searches shall, so far as they are applicable, apply to searches by officers authorised under this section.

(3) The Government may make rules regulating the procedure of authorised officers in the exercise of their powers under this section subject, however, to the provisions of sub-section (2).

Report of accidents with petroleum.

27. Where any accident by explosion or fire, which is attended with loss of human life or serious injury to person or property, occurs as the result of the ignition of petroleum or petroleum vapour or occurs in or near any place where petroleum is kept and under circumstances making it likely that it was the result of such ignition, the person for the time being in charge of the petroleum shall forthwith give information to the nearest Magistrate or to the officer in charge of the nearest police station.

Inquiries into serious accidents with petroleum.

28. (1) The inquiry mentioned in section 176 of the Code of Criminal Procedure, 1904, shall be held in all cases where any person has been killed by an accident which the Magistrate has reason to believe was the result of the ignition of petroleum or petroleum vapour.

(2) Any Magistrate empowered to hold an inquest may also hold an inquiry under the said section into the cause of any accident which he has reason to believe was the result of the ignition of petroleum or petroleum vapour, if such accident was attended with serious injury to person or property, notwithstanding that no person was killed thereby.

(3) The result of all inquiries held in pursuance of this section shall be submitted as soon as may be to the Government and the Chief Inspector of Mines and Explosives in Mysore.

CHAPTER IV.

SUPPLEMENTAL.

Provisions relating to rules.

29. (1) In making any rules under this Act, the Government may—

(*a*) provide for any matter ancillary to such rules for which in its opinion provision is necessary

to protect the public from danger arising from the import, transport, storage, production, refining or blending of petroleum, and

(*b*) make special provision for the special circumstances of any area or place.

(2) Every power to make rules conferred by this Act is subject to the condition of previous publication

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(*a*) limit the operation of such enactment, or

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32. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.

NOTIFICATION.

No. Rl. 932, *dated Bangalore, the* 12—13*th November* 1941.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore Petroleum Bill, together with the statement of objects and reasons.

By Order,
H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

THE MYSORE PETROLEUM ~~BILL~~

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Clause 18.—The existing Act has a schedule containing elaborate provisions for testing of petroleum. The bill proposes to relegate all these matters of detail to

rules which will be more easily adapted to developing conditions.

Clause 19.—This clause requires that the certificate of testing should give the flashing point in all cases where the petroleum is found to be non-dangerous.

Clause 20.—In this clause the owner of petroleum is given a right to a re-test and where the second test shows that the first was erroneous, to the issue of a fresh certificate free of all charge.

Clause 22.—Power is given by this clause to Government to make rules in respect of matters included in the schedule of the present Act.

Clause 23 provides a standard maximum punishment of fine which may extend to Rs. 500 for contraventions of the Act and Rules generally. This clause reproduces section 14 of the existing Act, but prescribes only the penalty of fine in place of imprisonment.

Clauses 27 and 28 are new but are based on similar provisions of the Mysore Explosives Act, 1888.

Clause 30.—This corresponds to section 21 of the existing Act which enables control to be exercised over inflammable substance like mythel alcohol and carbide of calcium, etc.

Act No VI of 1942

The Mysore Petroleum ~~Bill~~ Act, 1942

An Act

~~A Bill~~ to consolidate and amend the law relating to the import, transport, storage production, refining and blending of petroleum and other inflammable substances.

(Received the assent of His Highness the Maharaja on the 6th day of January 1942)

WHEREAS it is expedient to consolidate and amend the law relating to the import, transport, storage, production refining and blending of petroleum, and other inflammable substances;

It is hereby enacted as follows:—

Preliminary.

Short title commencement and extent.

1. (1) This Act may be called the Mysore Petroleum Act, 1942.

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context,—

(*a*) "petroleum" means any liquid hydrocarbon or mixture of hydrocarbons, and any inflammable mixture (liquid, viscous or solid) containing any liquid hydrocarbon

(*b*) "dangerous petroleum" means petroleum having its flashing-point below seventy-six degrees Fahrenheit;

(*c*) "flashing-point" of any petroleum means the lowest temperature at which it yields a vapour which will give a momentary flash when ignited, determined in accordance with the provisions of Chapter II and the rules made thereunder;

(*d*) "to transport" petroleum means to move petroleum from one place to another in Mysore;

(*e*) "to import" petroleum means to bring it into Mysore by land or air, otherwise than during the course of transport;

(*f*) "to store" petroleum means to keep it in any one place, but does not include any detention happening during the ordinary course of transport;

(*g*) "motor conveyance" means any vehicle or aircraft for the conveyance of human beings, animals or goods, by land or air, in which petroleum is used to generate the motive power.

(*h*) "prescribed" means prescribed by rules made under this Act

and providing for the disposal, by confiscation or otherwise, of any dangerous petroleum in respect of which a licence has not been applied for within the prescribed period or has been refused and which has not been exported;

(*c*) regulating the transport of petroleum;

(*d*) specifying the nature and condition of all receptacles and pipe-lines in which petroleum may be transported;

(*e*) regulating the places at which and prescribing the conditions subject to which petroleum may be stored;

(*f*) specifying the nature, situation and condition of all receptacles in which petroleum may be stored;

(*g*) prescribing the form and conditions of licences for the import of dangerous petroleum, and for the transport or storage of any petroleum, the manner in which applications for such licences shall be made, the authorities which may grant such licences and the fees which may be charged for such licences;

(*h*) determining in any class of cases whether a licence for the transport of petroleum shall be obtained by the consignor, consignee or carrier;

(*i*) providing for the granting of combined licences for the import, transport and storage of petroleum, or for any two of such purposes;

(*j*) prescribing the proportion in which any specified poisonous substance may be added to petroleum, and prohibiting the import, transport or storage of petroleum in which the proportion of any specified poisonous substance exceeds the prescribed proportion; and

(*k*) generally, providing for any matter which in its opinion is expedient for proper control over the import, transport and storage of petroleum.

Production, refining and blending of petroleum.

5. (1) No one shall produce, refine or blend petroleum save in accordance with the rules made under sub-section (2).

(2) The Government may make rules—

(*a*) prescribing the conditions subject to which petroleum may be produced, refined or blended; and

(*b*) regulating the removal of petroleum from places where it is produced, refined or blended and preventing the storage therein and removal therefrom, except as dangerous

petroleum, of any petroleum which has not satisfied the prescribed tests.

Receptacles of dangerous petroleum to show a warning.

6. All receptacles containing dangerous petroleum shall have a stamped, embossed, painted or printed warning, either on the receptacle itself or where that is impracticable displayed near the receptacle, exhibiting in conspicuous characters the words "Petrol" or "Motor Spirit" or an equivalent warning of the dangerous nature of the petroleum;

Provided that this section shall not apply to —

(*a*) any securely stoppered glass, stoneware or metal receptacle of less than two gallons capacity containing dangerous petroleum which is not for sale, or

(*b*) a tank incorporated in a motor conveyance or attached to an internal combustion engine, and containing petroleum intended to be used to generate motive power for the motor conveyance or engine, or

(*c*) a pipe-line for the transport of petroleum, or

(*d*) any tank which is wholly underground, or

(*e*) any class of receptacles which the Government may, by notification in the official Gazette, exempt from the operation of this section.

7. Notwithstanding anything contained in this Chapter, a person need not obtain a licence for the transport or storage of non-dangerous petroleum if the total quantity in his possession at any one place does not exceed five hundred gallons and none of it is contained in a receptacle exceeding two hundred gallons in capacity.

8. (1). Notwithstanding anything contained in this Chapter, a person need not obtain a licence for the import, transport or storage of dangerous petroleum not intended for sale if the total quantity in his possession does not exceed six gallons.

(2) Dangerous petroleum possessed without a licence under this section shall be kept in securely stoppered receptacles of glass, stoneware or metal which shall not, in the case of receptacles of glass or stoneware, exceed one quart in capacity or in the case of receptacles of metal five gallons in capacity.

9. (1) The owner of a motor conveyance, who complies with the requirements of the law for the time being in force relating to the registration and licensing of such conveyances and its driver or pilot and the owner of

any stationary internal combustion engine, shall not be required to obtain a licence—

(*a*) for the import, transport or storage of yan petroleum contained in any fuel tank incorporated in the conveyance or attached to the internal combustion engine, or

(*b*) for the transport or storage of dangerous petroleum, not exceeding twenty gallons in quantity in addition to any quantity possessed under clause (*a*), provided the petroleum is intended to be used to generate motive power for the motor conveyance or engine :

Provided further that the total quantity of dangerous petroleum which may be stored without a licence under clause (*b*) shall not exceed twenty gallons, notwithstanding that such owner mav possess other motor conveyances or engines.

(2) The dangerous petroleum transported or stored without a licence under clause (b) of sub-section (1) shall be kept as provided in sub-section (2) of section 8, and, if it exceeds six gallons in quantity, shall be stored in an isolated place which does not communicate with any room where any person resides or works or in any room where persons assemble.

No licence is needed by railway administration acting as carrier.

10. Notwithstanding anything contained in this Chapter, the railway administration, as defined in section 3 of the Mysore Railways Act, 1894, need not obtain any licence for the import or transport of any petroleum in its possession in its capacity as carrier.

Exemption of heav oil

11. Nothing in this Chapter shall apply to any petroleum which has its flashing-point not below two hundred degrees Fahrenheit.

General power of exemption.

12, The Government may, by notification in the official Gazette, exempt any petroleum specified in the notification from all or any of the provisions of this Chapter.

Inspection of places

13. (1) The Government may authorise any officer by name or by virtue of office to enter any place where petroleum is being imported, stored, produced, refined or blended, or is under transport, and inspect all receptacles, plant and appliances used in connection with petroleum in order to ascertain if they are in accordance with the provisions of this Chapter and the rules made thereunder.

(2) The Government may make rules regulating the procedure of officers authorised under this section.

CHAPTER II.

THE TESTING OF PETROLEUM

Inspection and sampling of petroleum.

14. (1) The Government may, by notification in the official Gazette, authorise any officer by name or by virtue of office to enter any place where petroleum is being imported, transported, stored, produced, refined or blended and to inspect and take samples for testing of any petroleum found therein.

The Government may make rules—

regulating the taking of samples of petroleum for testing,

determining the cases in which payment shall be made for the value of samples taken, and the mode of payment, and

generally, regulating the procedure of officers exercising powers under this section.

Standard Test Apparatus.

15. (1) A standard apparatus for determining the flashing-point of petroleum shall be deposited with an officer to be appointed in this behalf by the Government by notification in the official Gazette

(2) Such apparatus shall be engraved with the words "Standard Test Apparatus" and shall be verified and corrected from time to time and replaced when necessary, in accordance with rules made under section 21.

(3) The Standard Test Apparatus shall, on payment of the prescribed fee, be open to inspection at all reasonable times by any person wishing to inspect it.

16. (1) The officer appointed under section 15, shall, on payment of the prescribed fee, if any, compare with the Standard Test Apparatus any apparatus for determining the flashing-point of petroleum which may be submitted to him for this purpose.

(2) If any apparatus is found by him to agree with the Standard Test Apparatus within prescribed limits, the officer shall engrave such apparatus with a special number and with the date of comparison, and shall give a certificate in respect of it in the prescribed form, certifying that on the said date the apparatus was compared with the Standard Test Apparatus and was found to agree with it within the prescribed limits, and specifying any corrections to be made in the results of tests carried out with the apparatus.

(3) A certificate granted under this section shall be valid for such period as may be prescribed.

(4) A certificate granted under this section shall, during the period for which it is valid, be proof, until the contrary is proved, of any matter stated therein.

(5) The officer shall keep a register in the prescribed form of all certificates granted by him under this section.

Testing officers.

17. The Government may authorise any officer by name or by virtue of office to test petroleum of which samples have been taken under this Act, or which may have been submitted to him for test by any person, and to grant certificates of the results of such tests.

Manner of test.

18. All tests of petroleum made under this Act shall be made with a test apparatus in respect of which there is a valid certificate under section 16, shall have due regard to any correction specified in that certificate, and shall be carried out in accordance with rules made under section 21.

Certificate of testing

19. (1) The testing officer after testing samples of petroleum shall make out a certificate in the prescribed form, stating whether the petroleum is dangerous or non-dangerous, and, if the petroleum is non-dangerous, the flashing-point of the petroleum.

(2) The testing officer shall furnish the person concerned, at his request, with a certified copy of the certificate, on payment of the prescribed fee, and such certified copy may be produced in any Court in proof of the contents of the original certificate.

(3) A certificate given under this section shall be admitted as evidence in any proceedings which may be taken under this Act in respect of the petroleum from which the samples were taken, and shall, until the contrary is proved, be conclusive proof that the petroleum is dangerous or non-dangerous, as the case may be, and, if the petroleum is non-dangerous, of its flashing-point.

Right to require re-test.

20. (1) The owner of any petroleum, or his agent, who is dissatisfied with the result of the test of the petroleum may, within seven days from the date on which he received intimation of the result of the test, apply to the officer empowered under section 14 to have fresh samples of the petroleum taken and tested.

(2) On such application and on payment of the prescribed fee, fresh samples of the petroleum shall be taken in the presence of such owner or agent or person

deputed by him, and shall be tested in the presence of such owner or agent or person deputed by him.

(3) If, on such re-test, it appears that the original test was erroneous, the testing-officer shall cancel the original certificate granted under section 19, shall make out a fresh certificate, and shall furnish the owner of the petroleum, or his agent, with a certified copy thereof, free of charge.

The Government may make rules-

for the specification, verification, correction and replacement of the Standard Test Apparatus;

prescribing fees for the inspection of the Standard Test Apparatus;

regulating the procedure in comparing a test apparatus with the Standard Test Apparatus;

prescribing the form of certificate to be given in respect of a test apparatus so compared, and the period for which such certificates shall be valid;

prescribing the form of the register of such certificates

prescribing fees for comparing a test apparatus with the Standard Test Apparatus;

regulating the procedure of testing officers in carrying out tests of petroleum, providing for the averaging of results where several samples of the same petroleum are tested, and prescribing the variations from standard temperatures which may be allowed

prescribing the form of certificates of tests of petroleum and the fees which may be charged therefor

providing, where the results of the testing of samples raise a doubt as to the uniformity of the quality of the petroleum in any lot under test, for the division of the lot into sub-lots, and for the selection and testing of samples of each sub-lot and for the averaging of results in accordance with the results of tests of those samples;

prescribing fees for re-tests under section 20 and providing for their refund where the original test was erroneous; and

(*k*) generally, regulating the procedure of all officers performing duties connected with the testing of petroleum, and providing for any matter incidental to such testing.

Special rules for testing viscous or solid forms of petroleum.

22. The Government may also make rules providing specially for the testing of any form of petroleum which is viscous or solid or contains sediment or thickening ingredients, and such rules may modify or supplement any of the provisions of this Chapter or of the rules made under section 21 in order to adapt them to the special needs of such tests.

CHAPTER III.

PENALTIES AND PROCEDURE.

General penalty for offences und this Act.

23. (1) Whoever—

(*a*) in contravention of any of the provisions of Chapter I or of any of the rules made thereunder, imports, transports, stores, produces, refines or blends any petroleum, or

(*b*) contravenes any rule made under section 4 or section 5, or

(*c*) being the holder of a licence issued under section 4 or a person for the time being placed by the holder of such licence in control or in charge of any place where petroleum is being imported or stored, or is under transport, contravenes any condition of such licence or suffers any condition of such licence to be contravened, or

(*d*) being for the time being in control or in charge of any place where petroleum is being imported, stored, produced, refined or blended or is under transport, refuses or neglects to show to any officer authorised under section 13 any receptacle, plant or appliance used in such place in connection with petroleum, or in any way obstructs or fails to render reasonable assistance to such officer during an inspection, or

being for the time being in control or in charge of any place where petroleum is being imported, transported, stored, produced, refined or blended, refuses or neglects to show to any officer authorised under section 14 any petroleum in such place, or to give him such

assistance as he may require for the inspec
of such petroleum, or refuses to allow hin
take samples of the petroleum, or
eing required under section 27, to give
formation of an accident, fails to give s
information as so required by that section

shall be punishable with fine which may extend to hundred rupees.

(2) If any person, having been convicted of ar offence punishable under sub-section (1), is again guilty o any offence punishable under that sub-section, he shal be punishable for every such subsequent offence with fine which may extend to two thousand rupees.

24. (1) In any case in which an offence under clause (*a*) or clause (*b*) or clause (*c*) of sub-section (1) of section 23 has been committed the convicting Magistrate may direct that—

he petroleum in respect of which the offence has been committed, or
where the offender is convicted of importing, transporting or storing petroleum exceeding the quantity he is permitted to import, transport or store, as the case may be, the whole of the petroleum in respect of which the offence was committed,

hall, together with the receptacles in which it is containe e confiscated

(2) This power may also be exercised by the Hig lourt in the exercise of its appellate or revisional power

Offences punishable under this Act shall be tri le by a Magistrate of the first class or by a Magistrat f the second class who has been specially empowered b ne Government in this behalf.

26. (1) The Government may, by notification ne official Gazette authorise any officer by name or b irtue of office to enter and search any place where h as reason to believe that any petroleum is being import d, transported, stored, produced, refined or blende therwise than in accordance with the provisions of thi ct and the rules made thereunder and to seize, detai r remove any or all of the petroleum in respect of whic

in his opinion an offence under this Act, has been committed.

(2) The provisions of the Code of Criminal Procedure, 1904, relating to searches shall, so far as they are applicable, apply to searches by officers authorised under this section.

(3) The Government may make rules regulating the procedure of authorised officers in the exercise of their powers under this section subject, however, to the provisions of sub-section (2).

Report of accidents with petroleum.

27. Where any accident by explosion or fire, which is attended with loss of human life or serious injury to person or property, occurs as the result of the ignition of petroleum or petroleum vapour or occurs in or near an place where petroleum is kept and under circumstance making it likely that it was the result of such ignitio the person for the time being in charge of the petroleu shall forthwith give information to the nearest Magi trate or to the officer in charge of the nearest poli station.

28. (1) The inquiry mentioned in section 176 the Code of Criminal Procedure, 1904, shall be held i all cases where any person has been killed by an accide which the Magistrate has reason to believe was the resu of the ignition of petroleum or petroleum vapour.

(2) Any Magistrate empowered to hold an inque may also hold an inquiry under the said section into th cause of any accident which he has reason to believe wa the result of the ignition of petroleum or petroleu vapour, if such accident was attended with serious injur to person or property, notwithstanding that no perso was killed thereby.

(3) The result of all inquiries held in pursuance o this section shall be submitted as soon as may be to the Government and the Chief Inspector of Mines and Explosives in Mysore.

CHAPTER IV.

SUPPLEMENTAL.

Provisions relating to rules.

29. (1) In making any rules under this Act, the Government may—

(*a*) provide for any matter ancillary to such rules for which in its opinion provision is necessary.

to protect the public from danger arising from the import, transport, storage, production, refining or blending of petroleum, and

make special provision for the special circumstances of any area or place.

(2) Every power to make rules conferred by this Act is subject to the condition of previous publication

(3) All rules made under this Act shall be published in the official Gazette

30. (1) The Government may, by notification in the official Gazette apply any or all of the provisions of this Act, and of the rules made thereunder with such modifications as it may specify, to any dangerously inflammable substance, other than an explosive, and thereupon the provisions so applied shall have effect as if such substance had been included in the definition of

(2) The Government may make rules providing specially for the testing of any substance to which any of the provisions of this Act have been applied by notification under sub-section (1) and such rules may supplement any of the provisions of Chapter II in order to adapt them

G. R. S. V1.—8-III/14]

DRAFT.

SUBJECT.....

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Section. Legs
File No. 32 — 41/37-41
Serial No. 1

Proceedings of the Government of H. H. the Maharaja of Mysore.

Diary No. of letter replied to.....

Order No. R.L. 13.1.6

GENERAL AND REVENUE SECRETARIAT,

(

, *the*.....*191*

Ordered that the accompanying..... Mysore Petroleum Act .....

.....

which received the assent of His Highness the Maharaja, on the..... 6th day of..... January ..... 1942, be published as ~~Regulation~~ Act No..... VI ..... of 1942, in the *Mysore Gazette* for general information.

Date of issue.....

Signed by.....

27.1.42

Secretary to Government.
Law department

BKR 27.1.42

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of ~~Spare~~ 5 spare copies in English, and 5 spare copies in Kannada to this office, and..... spare copies in English and..... spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. Proofs should be sent to this office for approval before publication.

NOTIFICATION.

No. Rl. 932, *dated Bangalore,*
the 12—13*th November* 1941.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore Petroleum Bill, together with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,
Law Department.

THE MYSORE PETROLEUM BILL.

Statement of Objects and Reasons.

The Mysore Petroleum Act, 1923, is modelled on the lines of the corresponding British Indian Act of 1899 and provides for the control and regulation of the import, possession and transport of petroleum. These measures were passed at a time when the use of petroleum, particularly dangerous petroleum or petrol, was limited and with the great development in the use of petroleum, the need for a revision of the law was experienced acutely in British India. In 1934, therefore, the Indian Petroleum Act was passed superseding the earlier Act and consolidating the law on the subject.

In Mysore also it has been considered desirable to revise the law in the light of experience gained in the working of the Act of 1923, and in order to secure uniformity in the law between Mysore and British India as hithertofore. The Bill now drafted is modelled on the lines of the British Indian Act of 1934, suitably modified to meet local requirements and conditions.

The notes on clauses appended hereto explain the main provisions of the Bill.

Notes on Clauses.

Clause 1.—Only certain portions of the existing Act apply to the whole of Mysore, while power is given to the Government to apply the remainder of the Act to

areas which the Government may notify. Owing to the greatly extended use of petroleum, it is considered advisable that the entire Act is applied to the whole of Mysore

Clause 2 (a).—The definition of petroleum in the present Act is of the categorical kind. A more technical definition based on the chemical composition of petroleum is now proposed.

Clause 2 (b).—The proviso to the definition of "dangerous petroleum" has been omitted, as obsolete. Provision for allowing minor variations has been made in the rule making power in clauses 21 (*g*) and (*i*).

Clauses 3 and 4 provide for control over the import transport and storage of petroleum. It is intended that this should be effected mainly by rules; and in addition licences may be required in all cases except in the case of import of non-dangerous petroleum. Most of the matter contained in clause 4 is already in the existing Act in various forms and places.

Clause 5 gives power to control by rules the production and refining of petroleum.

Clause 6 corresponds to the existing section 7, with the words "petrol" or "motor spirit" replacing the words "highly inflammable". The existing requirement that labels showing the name of the consignee, etc., should be attached to receptacles containing dangerous petroleum has been dispensed with.

Clauses 7 to 12 collect together the exemptions and powers to exempt which are scattered throughout the present Act, and embody some variations in substance.

Clauses 13, 14 and 26.—Section 11 of the existing Act gives power to authorise officers to require dealers in petroleum to show the places and vessels in which petroleum is stored, to help in the inspection of petroleum and to deliver samples. It is proposed to substitute three separate sections for this. The powers under these clauses are kept separate so that they may, if Government consider it necessary, be exercised by different officers.

Clauses 15, 16 and 17.—All tests of petroleum under this Act will be carried out by specially appointed testing officers using certified instruments. Any private enterprise may submit a test apparatus of its own for certification.

Clause 18.—The existing Act has a schedule containing elaborate provisions for testing of petroleum. The Bill proposes to relegate all these matters of detail to

rules which will be more easily adapted to developing conditions.

Clause 19.—This clause requires that the cert of testing should give the flashing point in all cases where the petroleum is found to be non-dangerous.

Clause 20.—In this clause the owner of petroleum is given a right to a re-test and where the second test shows that the first was erroneous, to the issue of a fresh certificate free of all charge.

Clause 22.—Power is given by this clause to Government to make rules in respect of matters included in the schedule of the present Act.

Clause 23 provides a standard maximum punishment of fine which may extend to Rs. 500 for contraventions of the Act and Rules generally. This clause reproduces section 14 of the existing Act, but prescribes only the penalty of fine in place of imprisonment.

Clauses 27 and 28 are new but are based on similar provisions of the Mysore Explosives Act, 1888.

Clause 30.—This corresponds to section 21 of the existing Act which enables control to be exercised over inflammable substance like mythel alcohol and carbide of calcium, etc.

The Mysore Petroleum Bill.

A Bill to consolidate and amend the law relating to the import, transport, storage production, refining and blending of petroleum and other inflammable substances.

WHEREAS it is expedient to consolidate and amend the law relating to the import, transport, storage, production refining and blending of petroleum, and other inflammable substances;

It is hereby enacted as follows:—

Preliminary.

Short title, commencement and extent.

1. (1) This Act may be called the Mysore Petroleum Act, 194 .

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette,

2. In this Act unless there is anything repugnan in the subject or context,—

(*a*) "petroleum" means any liquid hydrocarbo or mixture of hydrocarbons, and any inflammable mixtu (liquid, viscous or solid) containing any liquid hydrocarbo

(*b*) "dangerous petroleum" means petroleu having its flashing-point below seventy-six degre Fahrenheit;

(*c*) "flashing-point" of any petroleum means tl lowest temperature at which it yields a vapour which w give a momentary flash when ignited, determined accordance with the provisions of Chapter II and tl rules made thereunder;

(*d*) "to transport" petroleum means to mo petroleum from one place to another in Mysore;

(*e*) "to import" petroleum means to bring it in Mysore by land or air, otherwise than during the cour of transport;

(*f*) "to store" petroleum means to keep it in a one place, but does not include any detention happeni during the ordinary course of transport;

(*g*) "motor conveyance" means any vehicle aircraft for the conveyance of human beings, animals goods, by land or air, in which petroleum is us to generate the motive power.

(*h*) "prescribed" means prescribed by rules ma under this Act.

Control over Petroleum.

3. (1) No one shall import, transport or store any petroleum save in accordance with the rules made under section 4.

(2) Save in accordance with the conditions of any licence for the purpose which he may be required to obtain by rules made under section 4, no one shall import any dangerous petroleum, and no one shall transport or store any petroleum.

4. The Government may make rules

(*a*) regulating the import of petroleum;

(*b*) prescribing the periods within which licences for the import of dangerous petroleum shall be applied for,

and providing for the disposal, by confiscation or otherwise, of any dangerous petroleum in respect of which a licence has not been applied for within the prescribed period or has been refused and which has not been exported;

(*c*) regulating the transport of petroleum;

(*d*) specifying the nature and condition of all receptacles and pipe-lines in which petroleum may be transported;

(*e*) regulating the places at which and prescribing the conditions subject to which petroleum may be stored;

(*f*) specifying the nature, situation and condition of all receptacles in which petroleum may be stored;

(*g*) prescribing the form and conditions of licences for the import of dangerous petroleum, and for the transport or storage of any petroleum, the manner in which applications for such licences shall be made, the authorities which may grant such licences and the fees which may be charged for such licences;

(*h*) determining in any class of cases whether a licence for the transport of petroleum shall be obtained by the consignor, consignee or carrier;

(*i*) providing for the granting of combined licences for the import, transport and storage of petroleum, or for any two of such purposes;

(*j*) prescribing the proportion in which any specified poisonous substance may be added to petroleum, and prohibiting the import, transport or storage of petroleum in which the proportion of any specified poisonous substance exceeds the prescribed proportion; and

(*k*) generally, providing for any matter which in its opinion is expedient for proper control over the import, transport and storage of petroleum.

Production, refining and blending of petroleum.

5. (1) No one shall produce, refine or blend petroleum save in accordance with the rules made under sub-section (2).

(2) The Government may make rules—

(*a*) prescribing the conditions subject to which petroleum may be produced, refined or blended; and

(*b*) regulating the removal of petroleum from places where it is produced, refined or blended and preventing the storage therein and removal therefrom, except as dangerous

petroleum, of any petroleum which has no satisfied the prescribed tests.

Receptacles of dangerous petroleum to show a warning.

6. All receptacles containing dangerous petroleum shall have a stamped, embossed, painted or printed warning, either on the receptacle itself or where that i impracticable displayed near the receptacle, exhibiting in conspicuous characters the words "Petrol" or "Moto Spirit" or an equivalent warning of the dangerous natur of the petroleum;

Provided that this section shall not apply to —

(*a*) any securely stoppered glass, stoneware o metal receptacle of less than two gallons capacity contain ing dangerous petroleum which is not for sale, or

(*b*) a tank incorporated in a motor conveyance attached to an internal combustion engine, and contai ing petroleum intended to be used to generate moti power for the motor conveyance or engine, or

(*c*) a pipe-line for the transport of petroleum, or

(*d*) any tank which is wholly underground, or

(*e*) any class of receptacles which the Governme may, by notification in the official Gazette, exempt fro the operation of this section.

No licence needed for small stocks of non-dangerous petroleum not in bulk.

7. Notwithstanding anything contained in th Chapter, a person need not obtain a licence for the tran port or storage of non-dangerous petroleum if the tot quantity in his possession at any one place does not exce five hundred gallons and none of it is contained in receptacle exceeding two hundred gallons in capacity.

No licence needed for small quantities of dangerous petroleum.

8. (1) Notwithstanding anything contained in th Chapter, a person need not obtain a licence for the impor transport or storage of dangerous petroleum not intende for sale if the total quantity in his possession does nc exceed six gallons.

(2) Dangerous petroleum possessed without licence under this section shall be kept in securely stoppere receptacles of glass, stoneware or metal which shall no in the case of receptacles of glass or stoneware, exceed on quart in capacity or in the case of receptacles of met five gallons in capacity.

Exemptions for motor conveyances and stationary engines.

9. (1) The owner of a motor conveyance, wh complies with the requirements of the law for the tim being in force relating to the registration and licensing c such conveyances and its driver or pilot and the owner c

any stationary internal combustion engine, shall not be required to obtain a licence—

(*a*) for the import, transport or storage of yan petroleum contained in any fuel tank incorporated in the conveyance or attached to the internal combustion engine, or

(*b*) for the transport or storage of dangerous petroleum, not exceeding twenty gallons in quantity in addition to any quantity possessed under clause (*a*), provided the petroleum is intended to be used to generate motive power for the motor conveyance or engine :

Provided further that the total quantity of dangerous petroleum which may be stored without a licence under clause (*b*) shall not exceed twenty gallons, notwithstanding that such owner may possess other motor conveyances or engines.

(2) The dangerous petroleum transported or stored without a licence under clause (b) of sub-section (1) shall be kept as provided in sub-section (2) of section 8, and, if it exceeds six gallons in quantity, shall be stored in an isolated place which does not communicate with any room where any person resides or works or in any room where persons assemble.

No licence is needed by railway administration acting as carrier.

10. Notwithstanding anything contained in this Chapter, the railway administration, as defined in section 3 of the Mysore Railways Act, 1894, need not obtain any licence for the import or transport of any petroleum in its possession in its capacity as carrier.

Exemption heav oil

11. Nothing in this Chapter shall apply to any petroleum which has its flashing-point not below two hundred degrees Fahrenheit.

General power of exemption.

12, The Government may, by notification in the official Gazette, exempt any petroleum specified in the notification from all or any of the provisions of this Chapter.

Inspection o places

13. (1) The Government may authorise any officer by name or by virtue of office to enter any place where petroleum is being imported, stored, produced, refined or blended, or is under transport, and inspect all receptacles, plant and appliances used in connection with petroleum in order to ascertain if they are in accordance with the provisions of this Chapter and the rules made thereunder.

(2) The Government may make rules regulating the procedure of officers authorised under this section.

14. (1) The Government may, by notification in tl official Gazette, authorise any officer by name or by virt of office to enter any place where petroleum is bei imported, transported, stored, produced, refined or blend and to inspect and take samples for testing of any petr eum found therein.

(2) The Government may make rules—

(*a*) regulating the taking of samples of petrole for testing,

(*b*) determining the cases in which payment sh be made for the value of samples taken, a the mode of payment, and

(*c*) generally, regulating the procedure of office exercising powers under this section.

15. (1) A standard apparatus for determining tl shing-point of petroleum shall be deposited with cer to be appointed in this behalf by the Governme notification in the official Gazette.

(2) Such apparatus shall be engraved with tl rds "Standard Test Apparatus" and shall be verifi d corrected from time to time and replaced whe cessary, in accordance with rules made under section 21

(3) The Standard Test Apparatus shall, on pay nt of the prescribed fee, be open to inspection at al sonable times by any person wishing to inspect it.

16. (1) The officer appointed under section 15, shall payment of the prescribed fee, if any, compare wit Standard Test Apparatus any apparatus for determin the flashing-point of petroleum which may be submitte him for this purpose.

(2) If any apparatus is found by him to agree wit Standard Test Apparatus within prescribed limits officer shall engrave such apparatus with a specia number and with the date of comparison, and shall giv a certificate in respect of it in the prescribed form certifying that on the said date the apparatus was com pared with the Standard Test Apparatus and was found to agree with it within the prescribed limits, and specifying any corrections to be made in the results of tests carried out with the apparatus

(3) A certificate granted under this section shall be valid for such period as may be prescribed.

(4) A certificate granted under this section shall, during the period for which it is valid, be proof, until the contrary is proved, of any matter stated therein.

(5) The officer shall keep a register in the prescribed form of all certificates granted by him under this section.

Testing officers.

17. The Government may authorise any officer by name or by virtue of office to test petroleum of which samples have been taken under this Act, or which may have been submitted to him for test by any person, and to grant certificates of the results of such tests.

Manner of test.

18. All tests of petroleum made under this Act shall be made with a test apparatus in respect of which there is a valid certificate under section 16, shall have due regard to any correction specified in that certificate, and shall be carried out in accordance with rules made under section 21.

Certificate testing.

19. (1) The testing officer after testing samples of petroleum shall make out a certificate in the prescribed form, stating whether the petroleum is dangerous or non-dangerous, and, if the petroleum is non-dangerous, the flashing-point of the petroleum.

(2) The testing officer shall furnish the person concerned, at his request, with a certified copy of the certificate, on payment of the prescribed fee, and such certified copy may be produced in any Court in proof of the contents of the original certificate.

(3) A certificate given under this section shall be admitted as evidence in any proceedings which may be taken under this Act in respect of the petroleum from which the samples were taken, and shall, until the contrary is proved, be conclusive proof that the petroleum is dangerous or non-dangerous, as the case may be, and, if the petroleum is non-dangerous, of its flashing-point.

Right to require re-test.

20. (1) The owner of any petroleum, or his agent, who is dissatisfied with the result of the test of the petroleum may, within seven days from the date on which he received intimation of the result of the test, apply to the officer empowered under section 14 to have fresh samples of the petroleum taken and tested.

(2) On such application and on payment of the prescribed fee, fresh samples of the petroleum shall be taken in the presence of such owner or agent or person

deputed by him, and shall be tested in the presence of su owner or agent or person deputed by him.

(3) If, on such re-test, it appears that the origi test was erroneous, the testing-officer shall cancel t original certificate granted under section 19, shall ma out a fresh certificate, and shall furnish the owner of t petroleum, or his agent, with a certified copy thereof, f of charge.

The Government may make rules—

for the specification, verification, correcti and replacement of the Standard Test Ap ratus;

prescribing fees for the inspection of the St dard Test Apparatus;

regulating the procedure in comparing a t apparatus with the Standard Test Apparat

prescribing the form of certificate to be gi in respect of a test apparatus so compared, a the period for which such certificates shall valid;

prescribing the form of the register of su certificates;

prescribing fees for comparing a test apparatu with the Standard Test Apparatus;

regulating the procedure of testing officers i carrying out tests of petroleum, providing fo the averaging of results where several sample f the same petroleum are tested, and prescrib ig the variations from standard temperature which may be allowed;

escribing the form of certificates of tests o etroleum and the fees which may be charge herefor

oviding, where the results of the testing o amples raise a doubt as to the uniformity o he quality of the petroleum in any lot unde est, for the division of the lot into sub-lots nd for the selection and testing of sample f each sub-lot and for the averaging o esults in accordance with the results of test f those samples

escribing fees for re-tests under section 2 nd providing for their refund where th riginal test was erroneous; and

(*k*) generally, regulating the procedure of all officers performing duties connected with the testing of petroleum, and providing for any matter incidental to such testing.

Special rules for testing viscous or solid forms of petroleum.

22. The Government may also make rules providing specially for the testing of any form of petroleum which is viscous or solid or contains sediment or thickening ingredients, and such rules may modify or supplement any of the provisions of this Chapter or of the rules made under section 21 in order to adapt them to the special needs of such tests.

CHAPTER III.

PENALTIES AND PROCEDURE.

General penalty for offences und this Act.

23. (1) Whoever—

(*a*) in contravention of any of the provisions of Chapter I or of any of the rules made thereunder, imports, transports, stores, produces, refines or blends any petroleum, or

(*b*) contravenes any rule made under section 4 or section 5, or

(*c*) being the holder of a licence issued under section 4 or a person for the time being placed by the holder of such licence in control or in charge of any place where petroleum is being imported or stored, or is under transport, contravenes any condition of such licence or suffers any condition of such licence to be contravened, or being for the time being in control or in charge of any place where petroleum is being imported, stored, produced, refined or blended or is under transport, refuses or neglects to show to any officer authorised under section 13 any receptacle, plant or appliance used in such place in connection with petroleum, or in any way obstructs or fails to render reasonable assistance to such officer during an inspection, or being for the time being in control or in charge of any place where petroleum is being imported, transported, stored, produced, refined or blended, refuses or neglects to show to any officer authorised under section 14 any petroleum in such place, or to give him such

assistance as he may require for the inspection of such petroleum, or refuses to allow him to take samples of the petroleum, or

being required under section 27, to give information of an accident, fails to give such information as so required by that section,

hall be punishable with fine which may extend to five undred rupees.

(2) If any person, having been convicted of an ffence punishable under sub-section (1), is again guilty of ny offence punishable under that sub-section, he shall e punishable for every such subsequent offence with ine which may extend to two thousand rupees.

24. (1) In any case in which an offence under lause (*a*) or clause (*b*) or clause (*c*) of sub-section (1) of ection 23 has been committed the convicting Magistrate nay direct that—

the petroleum in respect of which the offence has been committed, or

where the offender is convicted of importing, transporting or storing petroleum exceeding the quantity he is permitted to import, transport or store, as the case may be, the whole of the petroleum in respect of which the offence was committed.

shall, together with the receptacles in which it is contained, be confiscated.

(2) This power may also be exercised by the High Court in the exercise of its appellate or revisional powers.

25. Offences punishable under this Act shall be triable by a Magistrate of the first class or by a Magistrate of the second class who has been specially empowered by the Government in this behalf.

26. (1) The Government may, by notification in the official Gazette authorise any officer by name or by virtue of office to enter and search any place where he has reason to believe that any petroleum is being imported, transported, stored, produced, refined or blended otherwise than in accordance with the provisions of this Act and the rules made thereunder and to seize, detain or remove any or all of the petroleum in respect of which

in his opinion an offence under this Act, has been committed.

(2) The provisions of the Code of Criminal Procedure, 1904, relating to searches shall, so far as they are applicable, apply to searches by officers authorised under this section.

(3) The Government may make rules regulating the procedure of authorised officers in the exercise of their powers under this section subject, however, to the provisions of sub-section (2).

27. Where any accident by explosion or fire, which is attended with loss of human life or serious injury to person or property, occurs as the result of the ignition of petroleum or petroleum vapour or occurs in or near any place where petroleum is kept and under circumstances making it likely that it was the result of such ignition, the person for the time being in charge of the petroleum shall forthwith give information to the nearest Magistrate or to the officer in charge of the nearest police station.

28. (1) The inquiry mentioned in section 176 of the Code of Criminal Procedure, 1904, shall be held in all cases where any person has been killed by an accident which the Magistrate has reason to believe was the result of the ignition of petroleum or petroleum vapour.

(2) Any Magistrate empowered to hold an inquest may also hold an inquiry under the said section into the cause of any accident which he has reason to believe was the result of the ignition of petroleum or petroleum vapour, if such accident was attended with serious injury to person or property, notwithstanding that no person was killed thereby.

(3) The result of all inquiries held in pursuance of this section shall be submitted as soon as may be to the Government and the Chief Inspector of Mines and Explosives in Mysore.

CHAPTER IV.

SUPPLEMENTAL.

29. (1) In making any rules under this Act, the Government may— Provisions relating to rules.

(*a*) provide for any matter ancillary to such rules

to protect the public from danger arising from the import, transport, storage, production refining or blending of petroleum, and

make special provision for the special circumstances of any area or plac

) Every power to make rules conferred by this subject to the condition of previous publication

(3) All rules made under this Act shall be published in the official Gazette.

30. (1) The Government may, by notification in the official Gazette apply any or all of the provisions of this Act, and of the rules made thereunder with such modifications as it may specify, to any dangerously inflammable substance, other than an explosive, and thereupon the provisions so applied shall have effect as i such substance had been included in the definition o petroleum.

(2) The Government may make rules providing specially for the testing of any substance to which any of the provisions of this Act have been applied by notification under sub-section (1) and such rules may supplement any of the provisions of Chapter II in order to adapt them to the special needs of such tests.

31. Where any enactment confers powers upon any local authority in respect of the transport or storage o petroleum the Government may, by notification in the official Gazette—

(*a*) limit the operation of such enactment, or

(*b*) restrict the exercise of such powers in any manner it deems fit.

MYSORE PETROLEUM ACT, I OF 1923.

THE MYSORE PETROLEUM REGULATION.

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REGULATION I OF 1923

RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE EIGHTH DAY OF JANUARY 1923.

A Regulation to control and regulate the importation, possession and transport of petroleum and other substances.

WHEREAS it is expedient to provide for the control and regulation of the importation, possession and transport of petroleum and other substances; His Highness the Maharaja is pleased to enact as follows:—

Preliminary.

Short title, commencement and extent.

1. (*1*) This Regulation may be called the Mysore Petroleum Regulation, 1923, and

(*2*) It shall come into force at once.

(*3*) Sections 1 to 3, and all the provisions of this Regulation in so far as they relate to dangerous petroleum and the importation of petroleum, extend to the whole of Mysore. The rest of this Regulation extends only to such areas as the Government may, by notification in the official Gazette, direct.

Definitions.

2. In this Regulation unless there is anything repugnant in the subject or context,—

(*a*) "petroleum" includes also—

(*i*) the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, paraffin oil, mineral oil, kerosene, petroline, gasoline, benzoline, ligroin, petroleum ether, benzine and benzol;

(*ii*) any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any product of petroleum;

(*iii*) carbon disulphide, ether and any inflammable hydro-carbon or derivative thereof and;

(*iv*) any liquid or viscous mixture having in its composition any of the liquids aforesaid;

but it does not include any oil ordinarily used for lubricating purposes and having its flashing point at or above two hundred degrees of Fahrenheit's thermometer;

"dangerous petroleum" means petroleum having its flashing point below seventy-six degrees of Fahrenheit's thermometer:

Provided that, when all or any of the petroleum in the possession of a dealer, is declared by the dealer, to be of one uniform quality, the petroleum shall not be deemed to be dangerous, if the samples selected from the petroleum have their flashing points, on an average, at or above seventy-three degrees of Fahrenheit's thermometer, and if no one of these samples has its flashing point below seventy degrees of that thermometer:

to "import" means to bring into Mysore from outside the State.

to "transport" means to remove within Mysore from one place to another.

(*e*) "prescribed" means prescribed by rules made under this Regulation.

Matters supplemental to definitions.

3. The "flashing point" of petroleum means the lowest temperature at which the petroleum yields a vapour which will furnish a momentary flash or flame when tested in accordance with the directions in the schedule with an apparatus which has been stamped and certified as provided by this Regulation, within a period of five years immediately preceding the date on which the apparatus is used for the testing, and after the corrections (if any) which the certificate declares are to be applied to the results of the testing, have been made.

Power to vary tests and prescribe new tests.

4. (1) The Government may, by notification in the Official Gazette, alter or add to the schedule by laying down new or varied tests and directions for preparing and using them; and after the issue of any such notification as aforesaid, the reference in section 3, to the schedule shall be construed as referring to the said schedule as so altered or added to for the time being.

(2) The Government may, in like manner, lay down special tests and issue special instructions in respect of the testing of any substance other than petroleum to which the whole or any portion of this Regulation may be applied in exercise of the power conferred by section 21 and for which the tests in the first schedule are unsuitable

Dangerous petroleum

5. (1) No quantity of dangerous petroleum exceeding forty gallons shall be imported or transported or kept by any one person or on the same premises, except under, and in accordance with the conditions (if any) of, a license from the Government.

(2) Every application for such a license shall be in writing in the prescribed form, and shall contain the prescribed particulars

6. No quantity of dangerous petroleum equal to, or less than, forty gallons shall be kept or transported without a license. Dangerous petroleum quantities not exceedi forty gallo

Provided that nothing in this section shall apply in any case where the quantity of the petroleum kept by any one person or on the same premises, or transported, does not exceed three gallons, and the petroleum is placed in separate glass, stoneware or metal vessels, each of which contains not more than a pint and is securely stopped.

7. Dangerous petroleum— Vessels c taining dangerous petroleum to be labelled.

(*a*) which is imported and is kept at any place after seven days from the date of its importation, or

(*b*) which is transported, or

(*c*) which is sold or exposed for sale,

shall be contained in vessels having attached thereto labels in conspicuous characters stating the description of the petroleum, with the addition of the words "highly inflammable" and with the addition —

(*d*) in the case of a vessels kept, of the name and address of the consignee or owner;

(*e*) in the case of a vessel transported, of the name and address of the sender; and,

(*f*) in the case of a vessel sold or exposed for sale, of the name and address of the vendor.

Petroleum Generally.

8. (*1*) The Government may make rules to carry out the purposes and objects of this Regulation.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may :—

(*a*) provide for the granting of licenses to import, possess or transport petroleum within Mysore in cases in which such licenses are by law required;

(*b*) determine the places at which, and the conditions on and subject to which petroleum may be stored;

(*c*) provide for the selection by an officer appointed by the Government in this behalf, and for the delivery to him, after petroleum has been imported, of samples of all petroleum imported;

(*d*) provide, in the case of each consignment which is stated to be of one uniform quality, for the number of samples to be selected, and for the averaging of the results of the testing of those samples;

(*e*) provide, where the results of the testing of the samples raise a doubt as to the uniformity of the quality of the petroleum in any such consignment, for the division of the consignment into lots, and for the selection and testing of samples of each lot, and for the treatment of the lot in accordance with

) fix fees for the sampling and testing of petroleum ;
) fix fees for the storage of petroleum unless any local authority is empowered in that behalf ;
) define, with respect to any petroleum produced within the State, the limits of the places in which such petroleum is to be refined
) provide for the testing at or near those places of petroleum so produced ;
) prevent the removal from those limits otherwise than under the provisions of this Regulation applicable to dangerous petroleum, of petroleum so produced which has not satisfied the prescribed test ;
) prescribe the authority by which licenses to possess or to transport petroleum may be granted ;
) fix the fee to be charged for any such license
) limit the quantity of petroleum to be covered by any such license ;
) prescribe the conditions which may be inserted in any such license ;
) limit the time during which any such license is to continue in force
) provide for the renewal of any such license ;
) provide for the nature and situation of the premises in respect of which licenses to possess petroleum may be granted, the inspection of premises so licensed and the testing of petroleum found thereon ;
) prescribe the manner in which the petroleum covered by a license to transport is to be packed, the mode and time of its transit, the route by which it is to be taken and its stoppage and inspection during transit ; and
rovide for prosecutions for any act done in violation of the provisions of this Regulation or of any rule made thereunder.

Petroleum imported in accordance with rules made under section 8, sub-section (*2*) shall not be removed from the places at which it is stored until the samples selected therefrom in accordance with those rules have been tested by an officer appointed by the Government in this behalf and the officer has given a certificate that the petroleum is not dangerous petroleum, or unless such a certificate given by a proper authority at the port of landing is produced in respect of the petroleum.

(*2*) If the officer, after testing the samples, refuses to give the certificate in respect of any petroleum, the Government may permit the consignee, within a time to be fixed by the Government in this behalf,—

(*a*) to rectify the petroleu
(*b*) to apply for a license to import the petroleum as dangerous petroleum, or
(*c*) to re-export the petroleum.

(3) If the consignee does not, within the time fixed under sub-section (2), avail himself of the permission granted under that sub-section, the petroleum may be disposed of as the Government may direct.

(4) Notwithstanding anything in the foregoing provisions of this section, the Government, in its discretion, may, where the officer has refused the certificate, direct that the petroleum be re-tested by another officer appointed by it in this behalf, and may, if that officer advises that the petroleum is not dangerous petroleum, authorise its removal from the places at which it is stored.

Possession and transport of petroleum

10. No quantity of petroleum exceeding five hundred gallons shall be kept by any one person or on the same premises, or shall be transported, except under, and in accordance with the conditions of, a license granted under this Regulation:

Provided that the Government may, by notification in the official Gazette, exempt from the operation of this section petroleum when transported in such particular manner and under such particular conditions as may be set forth in the notification.

Power to inspect and require dealer to sell samples.

11. Any officer specially authorised in this behalf by the Government may require any dealer in petroleum to show him any place and any of the vessels in which any petroleum in his possession is stored or contained, to give him such assistance as he may require for examining the same and to deliver to him samples of the petroleum on payment of the value of the samples.

Notice to be given when officer proposes to test samples.

12. When any such officer has, in exercise of the powers conferred by section 11, or by purchase, obtained a sample of petroleum in the possession of a dealer, he may give notice in writing to the dealer informing him that he is about to test the sample, or cause it to be tested, at a time and place to be fixed in the notice, and that the dealer or his agent may be present at the testing.

Certificate as to result of testing.

13. On any such testing, if it appears to the officer or other person so testing that the petroleum from which the sample has been taken, is or is not dangerous petroleum, the officer or other person may certify the fact; and the certificate so given shall be receivable as evidence in any proceedings which may be taken under this Regulation against the dealer in whose possession the petroleum was found, and shall, until the contrary is proved, be the proof of the fact stated therein and a certified copy of the certificate shall be given free of charge to the dealer at his request.

Penalties.

Penalty for illegal importation, possession or transport of petroleum, or

14. Whoever,—

(*a*) in contravention of this Regulation or of any of the rules thereunder, imports, possesses or transports any petroleum; or

(*b*) otherwise contravenes any such rules as aforesaid; or

(*c*) breaks any condition contained in a license granted under this Regulation; or,

(*d*) being a dealer in petroleum, refuses or neglects to show to any officer authorized under section 11 an place or any of the vessels in which petroleum in h possession is stored or contained, or to give him suc assistance as he may require for examining the sam or to give him samples of the petroleum on payme of the value of the samples;

shall be punishable with imprisonment for a term which ma extend to one month, or with fine which may extend to fi hundred rupees, or with both.

Penalty for contravention of section 7.

15. Whoever keeps, sells or exposes for sale dangerou petroleum in vessels not labelled as prescribed by section 7 sha be punishable with fine which may extend to five hundre rupees.

Confiscation of petroleum.

16. In any case in which an offence under section 1 clause (*a*), clause (*b*), or clause (*c*), or section 15 has been com mitted, the convicting Magistrate may direct that—

'(*a*) the petroleum in respect of which the offence has bee committed or

where the offender is importing or transporting, or in possession of, any petroleum exceeding the quant ty (if any) which he is permitted to import, transpo or possess, as the case may be, the whole or a part of the petroleum which he is importing transporting or is in possession of,

shall, together with the tins or other vessels in which it is co tained, be confiscated.

17. The criminal jurisdiction under this Regulation shall be exercised by a Magistrate of the first class or where specially empowered by the Government to try cases under this Regulation, a Magistrate of the second class.

Test-apparatus.

18. A model of the apparatus for testing petroleum under this Regulation shall be deposited in the office of the Chemical Examiner to Government, Bangalore, and be marked with the words "Model test-apparatus."

19. (1) The Chemical Examiner shall, on payment of the prescribed fee (if any), compare with the said model test-apparatus and verify every apparatus for testing petroleum which is submitted to him for the purpose.

(2) If any apparatus for testing petroleum, when compared and verified as provided by sub-section (1) is found correct or correct subject to certain corrections to be applied to the results of the tests, the Chemical Examiner shall stamp the same with a special number and with the date of the verification, and shall

further give a certificate in writing under his hand, in the prescribed form, to the effect that on the date aforesaid the apparatus was compared and verified by him and found to be correct, or correct subject to certain specified corrections to be applied to the results of the tests.

(3) A certificate granted under this section shall, until the contrary is proved, be proof of the matters stated therein.

(4) The Chemical Examiner shall keep a register, in the prescribed form, of all certificates granted under this section.

(5) Subject to the payment of the prescribed fees (if any), the said model test-apparatus shall be at all reasonable times open to inspection by any person desiring to inspect it.

Miscellaneous.

Power to exempt petroleum from operation of Regulation.

20. The Government may, by notification in the official Gazette, exempt from the operation of all or any provisions of this Regulation or of all or any of the rules made under this Regulation any petroleum which has its flashing point at or above one hundred and twenty degrees of Fahrenheit's thermometer and is imported in quantity not exceeding that specified in the notification.

Power to apply Regulation to other substances.

21. (1) The Government may, by notification in the official Gazette, apply the whole or any portion of this Regulation to any substance, other than petroleum, and may by the notification fix, in substitution for the quantities of petroleum fixed by sections 5, 6 and 10 the quantities of the substance to which those sections shall apply.

(2) When the whole or any portion of this Regulation has been applied as aforesaid to any substance other than petroleum, the provisions so applied shall be construed with all necessary modifications and shall have effect as if such other substance has been included in the definition of petroleum.

Power to limit operation of enactments relating to possession or transport of petroleum in municipalities.

22. The Government may, by notification in the official Gazette limit, in any manner it deems fit, the operation of any enactment for the time being in force relating to local authorities, in any local area or to any particular local authority and the exercise of any power conferred by any such enactment, in so for as the enactment relates to the possession or transport of petroleum.

Previous publication, etc., of rules.

23. (1) Every power to make rules conferred by this Regulation is subject to the condition of the rules being made after previous publication in such manner as the Government may, by notification in the official Gazette direct.

(2) All rules made by the Government shall be published in the official Gazette, and on such publication shall have effect as if enacted by this Regulation.

SCHEDULE

(See section 3.)

Nature of the Test-apparatus.

The apparatus consists of the following parts:

(1) the oil cup

(2) the cover, with slide, test-lamp, and clock work arrangement for opening and closing the holes in the cover and for dipping the test flame;

(3) the water-bath or heating vessel;

(4) the tripod stand with jacket and spirit-lamp for heating the water-bath;

(5) the thermometer for indicating the temperature of the oil in the oil-cup

(6) the thermometer for indicating the temperature of the water in the water-bath

(7) the thermometer for indicating the temperature of the oil before it is poured into the oil-cup;

(8) the dropping bottle or *pipette* for replenishing the test lamp; and

(9) a barometer standardised at the Meteorological Office of the State Government

The oil-cup is cylindrical flat-bottom vessel made of gunmetal or brass, and tinned or silvered inside. A gauge is fixed inside of the cup to regulate the height to which it is to be filled with the sample under examination.

The cup is provided with a close-fitting overlapping cover which carries the thermometer, the test-lamp and the adjuncts thereto. The test lamp is suspended upon two supports by means of trunnions, which allow it to be easily inclined to a particular angle and restored to its original position. The socket in the cover, which is to hold a round bulb thermometer for indicating the temperature of the oil during the testing operation, is so adjusted that the bulb of the latter is always inserted in a definite position below the surface of the liquid.

The cover is provided with three holes, one in the centre and two smaller ones close to the sides. These are closed and opened by means of a pivoted slide. When the slide is moved so as to uncover the holes, the suspended lamp is caught by a projection fixed on the slide, and tilted in such a way as to bring the end of spout just below the surface of the lid. As the slide moves back so as to cover the holes, the lamp returns to its original position. Upon the cover, in front of and in a line with the nozzle of the lamp, is fixed a white bead, the diameter of which represents the size of the test-flame to be used.

The water-bath or heating vessel is so constructed that, when the oil-cup is placed in position in it, an air-space or air-chamber intervenes between the two: consequently, in applying the test under ordinary circumstances, the heat is transmitted gradually to the oil from the hot water through the air space. The water-bath is fitted with a socket for receiving a long bulb thermometer, to indicate the temperature of the water, It is also provided with a funnel, an overflow-pipe and two handles.

The water-bath rests upon a tripod stand, which is fitted with a copper cylinder or jacket, so that the bath is surrounded by an enclosed air-space, which retains and regulates the heat. One of the legs of the stand serves as a support for a spirit-lamp, which is attached to it by a small swing bracket.

The clock work arrangement, by which during the operation of testing the slide is withdrawn, and the test-flame dipped into the cup and raised again as the slide is replaced, is provided with a ratchet key for setting it in action for each test, and with trigger for starting it each time that the test-flame is applied.

II.—Directions for drawing the sample and preparing it for testing.

1. Drawing the sample.—In all cases the testing officer or some person duly authorized by him shall personally superintend the drawing of the sample from an original unopened tin or other vessel.

An opening sufficiently large to admit of the oil being rapidly poured or syphoned from the tin or other vessel shall be made.

Two bottles, each of the capacity of about forty fluid ounces are to be filled with the oil. One of these, the contents of which are intended to be preserved for reference in case of need, is to be carefully corked, the cork being well driven home, cut off level with the neck, and melted sealing-wax worked into it The other bottle may be either stoppered or corked.

2. Preparing the sample for testing.—About ten fluid ounces of the oil, sufficient for three tests, are transferred from the bottle into which the sample has been drawn to a pint-flask or bottle, which is to be immersed in water artificially cooled until a thermometer, introduced into the oil, indicates a temperature not exceeding 50° Fahrenheit.

3. Samples of certain mixtures.—Samples of liquid, and viscous and sedimentary, petroleum mixtures shall be prepared for testing in the manner prescribed by the two foregoing directions.

III.—Directions for preparing and using the Test-apparatus.

1. Preparing the water-bath.—The water-bath is filled by pouring water into the funnel until it begins to flow out at the

overnow-pipe. The temperature of the water at the commenc ment of each test, as indicated by the long bulb thermometer, to be 130° Fahrenheit; and this is attained in the first instan by mixing hot and cold water, either in the bath or in a vess from which the bath is filled, until the thermometer which provided for testing the temperature of the water gives the pr per indication; or the water is heated by means of the spirit-lam (which is attached to the stand of the apparatus) until the requi ed temperature is indicated.

Preparing the test lamp.—The test-lamp is fitted with piece of cylindrical wick of such thickness that it fills the wic holder, but may readily be moved to and fro for the purpose adjusting the size of the flame. In the body of the lamp, upo the wick, which is coiled within it, is placed a small tuft of co ton wool, moistened with petroleum, any oil not absorbed l the wool being removed. When the lamp has been lighted tl wick is adjusted by means of a pair of forceps until the flame of the size of the bead fixed on the cover of the oil-cup; shou a particular test occupy so long a time that the flame begins get smaller, through the supply of oil in the lamp becoming e hausted, three or four drops of petroleum are allowed to fall t on the tuft of wool in the lamp from the dropping bottle *pipette* provided for the purpose. This can be safely done witl out interrupting the test.

3. *Filling the oil-cup.*—The oil-cup having been previously cooled, by placing it bottom downwards in water at a tempe- rature not exceeding 50°. Fahrenheit, is to be rapidly wiped dry, placed on a level surface in a good light, and the oil to be tested is poured in very slowly, without splashing, until its surface is level with the point of the gauge which is fixed in the cup. The round bulb thermometer is inserted into the lid of the cup, care being taken that the projecting rim of the collar touches the edge of the socket; the test-lamp, prepared as already describe is placed in position, and the cover is then put on to the cup an pressed down so that its edge rests on the rim of the cup.

4. *Application of the test.*—The water-bath, with its therm meter in position, is placed in some locality where it is not e posed to currents of air, and where the light is sufficientl subdued to admit of the size of the entire test-flme being con pared with that of the bead on the cover. The cup is carefully lifted without shaking it, and placed in the bath, the test-lamp is lighted, and the clock work wound up by turning the key. The thermometer in the oil-cup is now watched, and, when the temperature has reached 56° Fahrenheit, the clockwork is set in motion by pressing the tigger.

If flash takes place, the clock work is at once rewound and the tigger pressed at 57° Fahrenheit; and so on, at every degree rise of temperature, until the flash occurs, or until a tempera- ture of 95° Fahrenheit has been reached.

If the flash takes place at any temperature below 77° Fahrenheit, the temperature at which it occurs is to be recorded. Two fresh portions of the sample are then to be successively tested in a similar manner and the results recorded. If no greater difference than 2° Fahrenheit exists between any two of the three recorded results, and if in no instance the flash has taken place within eight degrees of the temperature at which the testing is commenced, each result is to be corrected for atmospheric pressure as hereafter described, and the average of the three corrected results is the flashing point of the sample. In the event of there being a greater difference than 2° Fahrenheit between any two of the results, while in no instance has the flash taken place within eight degrees of the temperature at which the testing was commenced, the series of tests is to be rejected, and a fresh series of three similarly obtained, and so on, until a sufficiently concordant series is furnished, when the results are to be corrected and the average taken in the manner already described.

If, however a flash has occurred at or below 64° when the test is applied in the manner above described, the next testing shall be commenced ten degrees lower than the temperature at which the flash had been previously obtained (that is to say, at 54° or thereunder), and this procedure shall be continued until the results of three consecutive tests do not show a greater difference than 2° and until a flash has not occurred in any of the three tests within eight degrees of the temperature at which the testing is commenced: Provided always that, if at the commencement of the series of tests a flash has occurred on the first application of the test flame at 56°, and if a flash has also occurred on the first application of the flame in each of three successive tests in which, thereupon, the test-flame is first applied at 46° as above directed, the testing officer shall certify that the petroleum has a flashing point below 47°, and the sample shall be reported dangerous.

If a temperature of 76° Fahrenheit has been reached without a flash occurring, the application of the test-flame is to be continued at every degree rise of temperature until a temperature of 95° Fahrenheit has been reached. If no flash has occurred up to this point, and if the petroleum is declared to be imported subject to the provisions of the Regulation, the tests shall not be continued, and the testing officer shall certify that the petroleum has a flashing point over 95° and is not dangerous. But, if the petroleum is oil ordinarily used for lubricating purposes and is declared to have its flashing point at or above 200° or is oil to which a notification of the Government exempting it from the operation of the Regulation will be applicable in the event of the flashing point being found to be at or above 120°, the test shall be continued as follows:—The oil-cup is to be removed from the water-bath, and the temperature of the water in the

water-bath is to be reduced to 95° Fahrenheit by pouring cold water into the funnel (the hot water escaping by the over-flow-pipe). The air-chamber is then to be filled to a depth of 1½ inches with water at a temperature of about 95° Fahrenheit, the oil-cup is to be replaced in the water-bath and the spirit-lamp attached to the water-bath is to be lighted and placed underneath. The test flame is then to be again applied, from 96° Fahrenheit, at every degree rise of temperature as indicated by the thermometer in the oil-cup until a flash takes place or until a temperature of 200° Fahrenheit, or 120° Fahrenheit, as the case may be, has been reached. If during this operation the test flame appears to diminish in size, the lamp is to be replenished in the manner prescribed at 2 without interrupting the test.

4. If a flash occurs at any temperature between 76° and 200° Fahrenheit the temperature at which it occurs, subject to correction for atmospheric pressure, is the flashing point of the sample.

In repeating a test a fresh sample of oil must always be used the tested sample being thrown away, and the cup must be wiped dry from any adhering oil and cooled, as already described, before receiving the fresh sample.

5. *Correction for atmospheric pressure.*—As the flashing point of an oil is influenced by changes in atmospheric pressure to an average extent of 1·6° Fahrenheit for every inch of the barometer, a correction of the observed flashing point may become necessary. The height of the barometer must therefore be determined at the time of making the test for the flashing point. The true height of the barometer for the purpose of the test shall be considered to be the height of the column of mercury measured at 32° Fahrenheit, which is supported by the air pressure at the time of the experiment; that is the actual height of the barometer at the time of observation duly corrected for any error of the instrument and for its temperature, if necessary. For the purpose of applying the correction to the flashing point of the oil obtained by the test, a table is appended to this schedule giving the flashing points of oils ranging from 65° to 80° Fahrenheit, under pressure ranging from 27 to 31 inches of mercury.

The table is used in the following manner:—

Example.—An oil has given a flashing point of 71°, the barometer being at 28·6 inches; take the nearest number to 71° in the vertical column headed 28·6. This number is 70·8. Substitute for this the number in the same horizontal line in the column headed 30 (the normal height of the barometer). The substituted number, that is the true flashing point of the oil, is 73°

6. *Liquid mixtures.*—Where the petroleum mixture is wholly liquid, flows quite freely, and does not contain any sediment or thickening ingredient, such mixture is tested in the same manner as ordinary petroleum.

Viscous and sedimentary mixtures.—Where the petroleum mixture contains an undissolved sediment, as in the case of some metal polishes, which can be separated by filtration or by settlement and decantation, the sediment may be so separated and the decanted liquid may be tested in the same manner as ordinary petroleum.

In carrying out such separation, care must be taken to minimise the evaporation of the petroleum. The separation of the sediment must not be effected by distillation.

Where the petroleum mixture is such that sediment cannot be separated by the aforementioned means, or where it is of a viscous nature as in the case of India-rubber solution, quick drying paints, etc., such mixture shall be tested in a modified apparatus, which differs from that prescribed in Part I only in the addition of a stirrer to equalize the temperature throughout the sample under test.

In carrying out the test of a viscous petroleum mixture, this stirrer shall be constantly revolved at a slow speed, except when applying the test flame, with the fingers, the direction of revolution being that of the hand of a clock.

With the exception of the use of the stirrer, the manner of carrying out the test shall be the same as in the case of ordinary petroleum.

The stirrer may be removed by grasping the spindle just above the blades with the finger and thumb, and unscrewing the upper sheath. The opening in the lid, through which the stirrer passes, may then be closed by a plug provided for the purpose.

When this has been done, the apparatus shall be deemed to comply with the specification set forth in this schedule and may be used for testing ordinary petroleum.

A model of the aforementioned apparatus will be deposited in the office of the Chemical Examiner to Government, Bangalore, and the provisions of section 19 of the Petroleum Regulation, in regard to verification and stamping shall apply also to such apparatus as thought it were the apparatus prescribed by the said Regulation.

For the purpose of carrying out such verification the stirrer shall be removed and the opening plugged as hereinbefore directed. The apparatus shall then be tested with ordinary petroleum. The stirrer shall be verified by comparison of measurements.

7.—*Directions for determining the flashing point of petroleum and petroleum mixtures which are not fluid at ordinary temperatures but liquefy when heated in a water-bath, or which are liquid at ordinary temperatures but solidify on being cooled to* 50° *F.*

1. *Nature of the test-apparatus.*—The instrument employed the Abel-Pensky petroleum testing apparatus, fitted with an

ıdditional thermometer to indicate the temperature of the oil
:lose proximity to the walls of the cup. This thermometer h
ı cylindrical bulb, $\frac{7}{8}$ inch. in length and $\frac{3}{16}$ inch in diamete
[t is scaled from 45o to 165o Fahrenheit, ten degrees on the sca
)ccupying $\frac{3}{8}$ inch. The thermometer is held vertically in
;ocket attached to the cover of the oil-cup in such a position th
:he bulb is $\frac{1}{10}$ inch from the side of the cup

(The thermometer can be removed and the orifice which
provided for it closed by means of an india-rubber plug, if t
ıpparatus is required for testing petroleum in the ordinary wa

2. *Directions for preparing the sample for testing.*—Abc
;en fluid ounces of the oil are placed in a pint-flask, the mou
)f which is then closed with an india-rubber stopper and t
;ample is liquefied by placing the flask in a water-bath, the tei
perature of which is only raised sufficiently high to liquefy the c

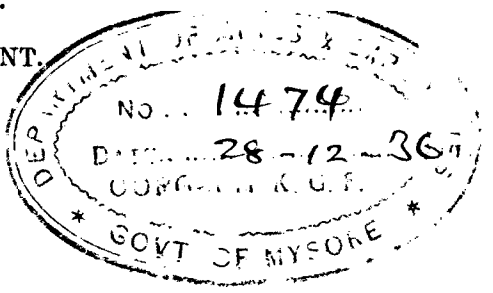
3. *Directions for preparing and using the test-apparatus.* The water-bath and test-lamp are to be prepared in the manr prescribed in Part III of this Schedule. The oil-cup is to filled with the liquefied oil, and the cover (into which both the mometers are to be previously inserted) placed on it, care being taken that the bulb of the additional thermometer is not brought to contact with the bracket-gauge fixed inside the cup. The l-cup is then to be placed in a refrigerator, or plunged up tc ıe projecting collar in water maintained at sufficiently low tem· ɜrature, until both thermometers indicate the temperature at hich the testing of petroleum is directed in Part III of this chedule to be commenced. The oil-cup is then to be removed iped dry and placed in the water-bath, and the testing effected ı the manner prescribed in Part III of this Schedule, the tem· ɜrature indicated by the additional (vertical) thermometer alone ɜing noted, and the average of three determinations, duly cor· ɜcted for atmospheric pressure, being recorded as the flashing)int of the sample, provided that no greater difference than 4 ahrenheit exists between any two of such results.

Table for correction of Flashing Points indicated by the test for Variations in Barometric Pressure on either side of Thirty Inches.

Barometer in Inches.																			
27	27·2	27·4	27·6	27·8	28	28.2	28·4	28·6	28·8	29	29·2	29·4	29·6	29·8	30	30·2	30 4	30·6	30·8	31
Flashing Point in Degrees Fahrenheit.																				
60·2	60·5	60·8	61·2	61·5	61·8	62·1	62·4	62·8	63·1	63·4	63·7	64	64·4	64·7	65	65·3	65·6	66	66·3	66·6
61·2	61·5	61·8	62·2	62·5	62·8	63 1	63·4	63·8	64 1	64·4	64·7	65	65·4	65·7	66	66·3	66·6	67	67·3	67·6
62·2	62·5	62·8	63·2	63·5	63·8	64·1	64·4	64·8	65·1	65·4	65·7	66	66·4	66 7	67	67·3	67·6	68	68·3	68·6
63·2	63·5	63·8	64·2	64·5	64·8	65·1	65·4	65·8	66·1	66·4	66·7	67	67·4	67·7	68	68 3	68·6	69	69·3	69·6
64·2	64·5	64·8	65·2	65·5	65·8	66·1	66·4	66·8	67·1	67·4	67·7	68	68·4	68·7	69	69·3	69·6	70	70·3	70·6
65·2	65·5	65·8	66·2	66·5	65·8	67·1	67·4	67·8	68·1	68·4	68·7	69	69·4	69·7	70	70·3	70·6	71	71·3	71·6
66·2	66 5	66·8	67·2	67·5	67·8	68·1	68·4	38·8	69·1	69 4	69·7	70	70·4	70·7	71	71·3	71·6	72	72·3	72·6
67·2	67·5	67·8	68·2	68·5	68·8	6 ·1	69·4	69·8	70·1	70·4	70·7	71	71 4	71·7	72	72·3	72·6	73	73·3	73·6
68·2	68·5	68·8	69·2	69·5	69·8	70·1	70·4	70 8	71·1	71·4	71·7	72	72·4	72·7	73	73·3	73 6	74	74·3	74·6
69·2	69·5	69·8	70·2	70·5	70·8	71·1	71·4	71·8	72·1	72·4	72·7	73	73·4	73·7	74	74·3	74·6	75	75·3	75·6
70·2	70·5	70 8	71·2	71·5	71·8	72·1	72·4	72·8	73·1	73·4	73·7	74	74·4	74·7	75	75·3	75 6	76	76 3	76·6
71·2	71·5	71·8	72·2	72·5	72·8	73·1	73 4	73·8	74·1	74·4	74·7	75	75·4	75 7	76	76·3	76 6	77	77·3	77·6
72·2	72·5	72·8	73·2	73·5	73·8	74·1	74·4	74·8	75·1	75·4	75·7	76	76·4	76·7	77	77·3	77·6	78	78·3	78·6
73·2	73·5	73·8	74·2	74·5	74·8	75·1	75·4	75·8	76·1	76·4	76·7	77	77·4	77·7	78	78·8	78·6	79	79·3	79·6
74·2	74·5	74·8	75·2	75·5	75·8	76·1	76·4	76·8	77·1	77·4	77·7	78	78·4	78·7	79	79·3	79 6	80	80·3	80·6
75·2	75·5	75·8	76·2	76 5	76·8	77·1	77 4	77·8	78·1	78·4	78·7	79	79·4	79·7	80	80·3	80·6	81	81·3	81·6

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.



THE PETROLEUM ACT, 1934

(XXX of 1934)

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THE SCHEDULE.

ACT No. XXX OF 1934.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 6th September 1934.)

An Act to consolidate and amend the law relating to the import, transport, storage, production, refining and blending of petroleum and other inflammable substances.

WHEREAS it is expedient to consolidate and amend the law relating to the import, transport, storage, production, refining and blending of petroleum and other inflammable substances; It is hereby enacted as follows:—

PRELIMINARY.

1. (*1*) This Act may be called the Petroleum Act, 1934.

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(*3*) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "petroleum" means any liquid hydrocarbon or mixture of hydrocarbons, and any inflammable mixture (liquid, viscous or solid) containing any liquid hydrocarbon;

(*b*) "dangerous petroleum" means petroleum having its flashing-point below seventy-six degrees Fahrenheit;

(*c*) "flashing-point" of any petroleum means the lowest temperature at which it yields a vapour which will give a momentary flash when ignited, determined in accordance with the provisions of Chapter II and the rules made thereunder;

(*d*) "to transport" petroleum means to move petroleum from one place to another in British India, and includes moving from one place to another in British India by sea or across territory in India which is not part of British India;

(*e*) "to import" petroleum means to bring it into British India by land, sea or air, otherwise than during the course of transport;

(*f*) "to store" petroleum means to keep it in any one place, but does not include any detention happening during the ordinary course of transport;

(*g*) "motor

(*g*) "motor conveyance" means any vehicle, vessel or craft for the conveyance of human beings, animals goods, by land, water or air, in which petroleum used to generate the motive power;

prescribed" means prescribed by rules made un this Act.

CHAPTER I

CONTROL OVER PETROLEUM

Import, transport and storage petroleum

3. (*1*) No one shall import, transport or store any petrole save in accordance with the rules made under section 4.

(*2*) Save in accordance with the conditions of any licence the purpose which he may be required to obtain by rules m under section 4, no one shall import any dangerous petrole and no one shall transport or store any petroleum.

Rules for the import, transport and storage of petroleum.

4. The Governor General in Council may make rules—

(*a*) prescribing places where petroleum may be imported prohibiting its import elsewhere;

(*b*) regulating the import of petroleum;

(*c*) prescribing the periods within which licences for import of dangerous petroleum shall be applied and providing for the disposal, by confiscation otherwise, of any dangerous petroleum in respec which a licence has not been applied for within prescribed period or has been refused and which not been exported;

(*d*) regulating the transport of petroleum;

(*e*) specifying the nature and condition of all recepta and pipe-lines in which petroleum may be transp ed;

(*f*) regulating the places at which and prescribing conditions subject to which petroleum may stored;

(*g*) specifying the nature, situation and condition of receptacles in which petroleum may be stored;

(*h*) prescribing the form and conditions of licences for import of dangerous petroleum, and for transport or storage of any petroleum, the ma in which applications for such licences shal made, the authorities which may grant such lice and the fees which may be charged for such licen

determining in any class of cases whether a licenc the transport of petroleum shall be obtained by consignor, consignee or carrier;

(*j*) providing for the granting of combined licences for the import, transport and storage of petroleum, or for any two of such purposes;

(*k*) prescribing the proportion in which any specified poisonous substance may be added to petroleum, and prohibiting the import, transport or storage of petroleum in which the proportion of any specified poisonous substance exceeds the prescribed proportion; and

(*l*) generally, providing for any matter which in his opinion is expedient for proper control over the import, transport and storage of petroleum.

Production, refining and blending of petroleum.

5. (*1*) No one shall produce, refine or blend petroleum save n accordance with the rules made under sub-section (*2*).

(*2*) The Governor General in Council may make rules—

(*a*) prescribing the conditions subject to which petroleum may be produced, refined or blended; and

(*b*) regulating the removal of petroleum from places where it is produced, refined or blended and preventing the storage therein and removal therefrom, except as dangerous petroleum, of any petroleum which has not satisfied the prescribed tests.

(*3*) The provisions of sub-section (*1*) and of the rules made nder sub-section (*2*) so far as such provisions relate to the roduction of petroleum shall not apply to any matters regulated by rules made under section 13 of the Burma Oil Fields ct, 1918.

Receptacles of dangerous petroleum to show a warning.

6. All receptacles containing dangerous petroleum shall have stamped, embossed, painted or printed warning, either on the eceptacle itself or, where that is impracticable, displayed near he receptacle, exhibiting in conspicuous characters the words 'Petrol" or "Motor Spirit", or an equivalent warning of the angerous nature of the petroleum:

Provided that this section shall not apply to—

(*a*) any securely stoppered glass, stoneware or metal receptacle of less than two gallons capacity containing dangerous petroleum which is not for sale, or

(*b*) a tank incorporated in a motor conveyance, or attached to an internal combustion engine, and containing petroleum intended to be used to generate motive power for the motor conveyance or engine, or

(*c*) a pipe-line for the transport of petroleum, or

(*d*) any tank which is wholly underground, or

(*e*) any class of receptacles which the Governor General in Council may, by notification in the Gazette of India, exempt from the operation of this section.

7. Notwithstanding anything contained in this Chapter, a person need not obtain a licence for the transport or storage of non-dangerous petroleum if the total quantity in his possession at any one place does not exceed five hundred gallons and none of it is contained in a receptacle exceeding two hundred gallons in capacity.

8. (*1*) Notwithstanding anything contained in this Chapter, a person need not obtain a licence for the import, transport or storage of dangerous petroleum not intended for sale if the total quantity in his possession does not exceed six gallons.

(*2*) Dangerous petroleum possessed without a licence under this section shall be kept in securely stoppered receptacles of glass, stoneware or metal which shall not in the case of receptacles of glass or stoneware exceed one quart in capacity or in the case of receptacles of metal five gallons in capacity.

9. (*1*) The owner of a motor conveyance, who complies with the requirements of the law for the time being in force relating to the registration and licensing of such conveyance and its driver or pilot and the owner of any stationary internal combustion engine, shall not be required to obtain a licence—

(*a*) for the import, transport or storage of any petroleum contained in any fuel tank incorporated in the conveyance or attached to the internal combustion engine, or

(*b*) for the transport or storage of dangerous petroleum, not exceeding twenty gallons in quantity in addition to any quantity possessed under clause (*a*),

provided the petroleum is intended to be used to generate motive power for the motor conveyance or engine.

(*2*) The dangerous petroleum transported or stored without a licence under clause (*b*) shall be kept as provided in sub-section (*2*) of section 8, and, if it exceeds six gallons in quantity, shall be stored in an isolated place which does not communicate with any room where any person resides or works or in any room where persons assemble.

No licence needed by railway administration acting as carrier.

10. Notwithstanding anything contained in this Chapter, a railway administration, as defined in section 3 of the Indian Railways Act, 1890, need not obtain any licence for the import or transport of any petroleum in its possession in its capacity as carrier.

Exemption of heavy oils.

11. Nothing in this Chapter shall apply to any petroleum which has its flashing-point not below two hundred degrees Fahrenheit.

General power of exemption.

12. The Governor General in Council may, by notification in the Gazette of India, exempt any petroleum specified in the notification from all or any of the provisions of this Chapter.

13. (*1*) The Governor General in Council may authorise any officer by name or by virtue of office to enter any place where petroleum is being imported, stored, produced, refined or blended, or is under transport, and inspect all receptacles, plant and appliances used in connection with petroleum in order to ascertain if they are in accordance with the provisions of this Chapter and the rules made thereunder. Inspection of places.

(*2*) The Governor General in Council may make rules regulating the procedure of officers authorised under this section.

CHAPTER II.

THE TESTING OF PETROLEUM.

14. (*1*) The Governor General in Council may, by notification in the Gazette of India, authorise any officer by name or by virtue of office to enter any place where petroleum is being imported, transported, stored, produced, refined or blended and to inspect and take samples for testing of any petroleum found therein. Inspection and sampling of petroleum.

(*2*) The Governor General in Council may make rules—

(*a*) regulating the taking of samples of petroleum for testing,

(*b*) determining the cases in which payment shall be made for the value of samples taken, and the mode of payment, and

(*c*) generally, regulating the procedure of officers exercising powers under this section.

15. (*1*) A standard apparatus for determining the flashing-point of petroleum shall be deposited with an officer to be appointed in this behalf by the Governor General in Council, by notification in the Gazette of India. Standard Test Apparatus.

(*2*) Such apparatus shall be engraved with the words "Standard Test Apparatus", and shall be verified and corrected from time to time and replaced when necessary, in accordance with rules made under section 21.

(*3*) The Standard Test Apparatus shall, on payment of the prescribed fee, be open to inspection at all reasonable times by any person wishing to inspect it.

16. (*1*) The officer appointed under section 15 shall, on payment of the prescribed fee, if any, compare with the Standard Test Apparatus any apparatus for determining the flashing-point of petroleum which may be submitted to him for this purpose. Certification of other test apparatus.

(*2*) If any apparatus is found by him to agree with the Standard Test Apparatus within prescribed limits, the officer

shall engrave such apparatus with a special number and with the date of the comparison, and shall give a certificate in respect of it in the prescribed form, certifying that on the said date the apparatus was compared with the Standard Test Apparatus and was found to agree with it within the prescribed limits, and specifying any corrections to be made in the results of tests carried out with the apparatus.

(3) A certificate granted under this section shall be valid for such period as may be prescribed.

(4) A certificate granted under this section shall, during the period for which it is valid, be proof, until the contrary is proved, of any matter stated therein.

(5) The officer shall keep a register in the prescribed form of all certificates granted by him under this section.

17. The Governor General in Council may authorise any officer by name or by virtue of office to test petroleum of which samples have been taken under this Act, or which may have been submitted to him for test by any person, and to grant certificates of the results of such tests.

18. All tests of petroleum made under this Act shall be made with a test apparatus in respect of which there is a valid certificate under section 16, shall have due regard to any correction specified in that certificate, and shall be carried out in accordance with rules made under section 21.

19. (1) The testing officer after testing samples of petroleum shall make out a certificate in the prescribed form, stating whether the petroleum is dangerous or non-dangerous, and, if the petroleum is non-dangerous, the flashing-point of the petroleum.

(2) The testing officer shall furnish the person concerned, at his request, with a certified copy of the certificate, on payment of the prescribed fee, and such certified copy may be produced in any Court in proof of the contents of the original certificate.

(3) A certificate given under this section shall be admitted as evidence in any proceedings which may be taken under this Act in respect of the petroleum from which the samples were taken, and shall, until the contrary is proved, be conclusive proof that the petroleum is dangerous or non-dangerous, as the case may be, and, if the petroleum is non-dangerous, of its flashing-point.

20. (1) The owner of any petroleum, or his agent, who is dissatisfied with the result of the test of the petroleum may, within seven days from the date on which he received intimation of the result of the test, apply to the officer empowered under section 14 to have fresh samples of the petroleum taken and

(2) On such application and on payment of the prescribed fee, fresh samples of the petroleum shall be taken in the presence of such owner or agent or person deputed by him, and shall be tested in the presence of such owner or agent or person deputed by him.

(3) If, on such re-test, it appears that the original test was erroneous, the testing-officer shall cancel the original certificate granted under section 19, shall make out a fresh certificate, and shall furnish the owner of the petroleum, or his agent, with a certified copy thereof, free of charge.

Power to make rules regarding tests.

21. The Governor General in Council may make rules—

(*a*) for the specification, verification, correction and replacement of the Standard Test Apparatus;

(*b*) prescribing fees for the inspection of the Standard Test Apparatus;

(*c*) regulating the procedure in comparing a test apparatus with the Standard Test Apparatus;

(*d*) prescribing the form of certificate to be given in respect of a test apparatus so compared, and the period for which such certificates shall be valid;

(*e*) prescribing the form of the register of such certificates;

(*f*) prescribing fees for comparing a test apparatus with the Standard Test Apparatus;

(*g*) regulating the procedure of testing officers in carrying out tests of petroleum, providing for the averaging of results where several samples of the same petroleum are tested, and prescribing the variations from standard temperatures which may be allowed;

(*h*) prescribing the form of certificates of tests of petroleum and the fees which may be charged therefor;

(*i*) providing, where the results of the testing of samples raise a doubt as to the uniformity of the quality of the petroleum in any lot under test, for the division of the lot into sub-lots, and for the selection and testing of samples of each sub-lot and for the averaging of results in accordance with the results of tests of those samples;

(*j*) prescribing fees for re-tests under section 20 and providing for their refund where the original test was erroneous; and

(*k*) generally, regulating the procedure of all officers performing duties connected with the testing of petroleum, and providing for any matter incidental to such testing.

Special rules for testing viscous or solid forms

22. The Governor General in Council may also make rules viding specially for the testing of any form of petroleum

which is viscous or solid or contains sediment or thicke ingredients, and such rules may modify or supplement an the provisions of this Chapter or of the rules made under sec 21 in order to adapt them to the special needs of such tests

CHAPTER III.

Penalties and Procedur

23. (*1*) Whoever-

(*a*) in contravention of any of the provisions of Chapter I or of any of the rules made thereunder, imports, transports, stores, produces, refines or blends any petroleum, or

(*b*) contravenes any rule made under section 4 or section 5, or

(*c*) breaks the condition of any licence held by him, issued under section 4, or

(*d*) being for the time being in control or in charge of any place where petroleum is being imported, stored, produced, refined or blended or is under transport, refuses or neglects to show to any officer authorised under section 13 any receptacle, plant or appliance used in such place in connection with petroleum, or in any way obstructs or fails to render reasonable assistance to such officer during an inspection, or

(*e*) being for the time being in control or in charge of any place where petroleum is being imported, transported, stored, produced, refined or blended, refuses or neglects to show to any officer authorised under section 14 any petroleum in such place, or to give him such assistance as he may require for the inspection of such petroleum, or refuses to allow him to take samples of the petroleum, or

(*f*) being required, under section 27, to give information of an accident, fails to give such information as so required by that section,

shall be punishable with fine which may extend to five hundred rupees.

24. (*1*) In any case in which an offence under clause (*a*) clause (*b*) or clause (*c*) of sub-section (*1*) of section 23 has been committed, the convicting Magistrate may direct that— Confiscation of petroleum and receptacles.

(*a*) the petroleum in respect of which the offence has been committed, or

(*b*) where the offender is convicted of importing, transporting or storing petroleum exceeding the quantity he is permitted to import, transport or store, as the case may be, the whole of the petroleum in respect of which the offence was committed,

shall, together with the receptacles in which it is contained, be confiscated.

(*2*) This power may also be exercised by the High Court in the exercise of its appellate or revisional powers.

25. Offences punishable under this Act shall be triable, in the Presidency-towns, by a Presidency Magistrate, and elsewhere by a Magistrate of the first class, or by a Magistrate of the second class who has been specially empowered by the Local Government in this behalf. Jurisdiction.

26. (*1*) The Governor General in Council may, by notification in the Gazette of India, authorise any officer by name or by virtue of office to enter and search any place where he has reason to believe that any petroleum is being imported, transported, stored, produced, refined or blended otherwise than in accordance with the provisions of this Act and the rules made thereunder, and to seize, detain or remove any or all of the petroleum in respect of which in his opinion an offence under this Act has been committed. Power of entr and search.

(*2*) The provisions of the Code of Criminal Procedure, 1898, relating to searches shall, so far as they are applicable, apply to searches by officers authorised under this section.

(*3*) The Governor General in Council may make rules regulating the procedure of authorised officers in the exercise of their powers under this section subject, however, to the provisions of sub-section (*2*).

27. Where any accident by explosion or fire, which is attended with loss of human life or serious injury to person or property, occurs as the result of the ignition of petroleum or petroleum vapour, or occurs in or near any place where petroleum is kept and under circumstances making it likely that it was the result of such ignition, the person for the time being in charge of the petroleum shall forthwith give information to the nearest Magistrate or to the officer in charge of the nearest police station. Reports of accidents with petroleu

28. (*1*) The inquiry mentioned in section 176 of the Code of Criminal Procedure, 1898, shall be held in all cases where Inquiries into serious accidents with any petroleum

any person has been killed by an accident which the Magistrate has reason to believe was the result of the ignition of petroleum or petroleum vapour.

(2) Any Magistrate empowered to hold an inquest may also hold an inquiry under the said section into the cause of any accident which he has reason to believe was the result of the ignition of petroleum or petroleum vapour, if such accident was attended by serious injury to person or property, notwithstanding that no person was killed thereby.

(3) For the purposes of this section a Commissioner of Police in a Presidency-town or in Rangoon shall be deemed to be a Magistrate empowered to hold an inquest.

(4) The result of all inquiries held in pursuance of this section shall be submitted as soon as may be to the Local Government.

CHAPTER IV.

SUPPLEMENTAL.

29. (1) In making any rules under this Act, the Governor General in Council may—

(a) provide for any matter ancillary to such rules for which in his opinion provision is necessary to protect the public from danger arising from the import, transport, storage, production, refining or blending of petroleum, and

(b) make special provision for the special circumstances of any province or place.

(2) Every power to make rules conferred by this Act is subject to the condition of previous publication.

(3) All rules made under this Act shall be published in the Gazette of India and in the local official Gazette.

Power to apply Act to other substances.

30. (1) The Governor General in Council may, by notification in the Gazette of India, apply any or all of the provisions of this Act, and of the rules made thereunder with such modifications as he may specify, to any dangerously inflammable substance, other than an explosive, and thereupon the provisions so applied shall have effect as if such substance had been included in the definition of petroleum.

(2) The Governor General in Council may make rules providing specially for the testing of any substance to which any of the provisions of this Act have been applied by notification under sub-section (1), and such rules may supplement any of the provisions of Chapter II in order to adapt them to the special needs of such tests.

31. Where any enactment confers powers upon any local authority in respect of the transport or storage of petroleum, the Governor General in Council may, by notification in the Gazette of India,— Power to limit powers of local authorities over petroleum.

(*a*) limit the operation of such enactment, or

(*b*) restrict the exercise of such powers, in any manner he deems fit.

32. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof. Repeals.

THE SCHEDULE.

ENACTMENTS REPEALED.

(*See* section 32.)

Year.	Number.	Short title.	Extent of repeal.
1899	VIII	The Indian Petroleum Act, 1899.	The whole.
1914	IV	The Decentralization Act, 1914.	So much of the Schedule as relates to the Indian

ACT No. VI OF 1942.

THE MYSORE PETROLEUM ACT, 1942.

An Act to consolidate and amend the law relating to the import, transport, storage, production, refining and blending of petroleum and other inflammable substances.

(Received the assent of His Highness the Maharaja on the 6th day of January 1942.)

NOTIFICATION.

Order No. R. L. 1316—*Legis.* 37-41-1, *dated Bangalore, the* 27*th January* 1942.

Ordered that the accompanying Mysore Petroleum Act, which received the assent of His Highness the Maharaja, on the 6th day of January 1942, be published as Act No. VI of 1942, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
ecretary to Government,
Law Department.

ACT No. VI OF 1942.

THE MYSORE PETROLEUM ACT, 1942.

An Act to consolidate and amend the law relating to the import, transport, storage, production, refining and blending of petroleum and other inflammable substances.

(*Received the assent of His Highness the Maharaja on the 6th day of January 1942.*)

WHEREAS it is expedient to consolidate and amend the law relating to the import, transport, storage, production, refining and blending of petroleum, and other inflammable substances;

It is hereby enacted as follows :—

Preliminary.

1. (1) This Act may be called the Mysore Petroleum Act, 1942.

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

2. In this Act unless there is anything repugnan in the subject or context,—

(*a*) "petroleum" means any liquid hydrocarbo or mixture of hydrocarbons, and any inflammable mixtur (liquid, viscous or solid) containing any liquid hydrocarbon

(*b*) "dangerous petroleum" means petroleun having its flashing-point below seventy-six degree Fahrenheit;

(*c*) "flashing-point" of any petroleum means th lowest temperature at which it yields a vapour which wil give a momentary flash when ignited, determined i accordance with the provisions of Chapter II and th rules made thereunder;

(*d*) "to transport" petroleum means to mov petroleum from one place to another in Mysore;

(*e*) "to import" petroleum means to bring it int Mysore by land or air, otherwise than during the cours of transport;

(*f*) "to store" petroleum means to keep it in an one place, but does not include any detention happenin during the ordinary course of transport

(*g*) "motor conveyance" means any vehicle aircraft for the conveyance of human beings, animals goods, by land or air, in which petroleum is us to generate the motive power.

(*h*) "prescribed" means prescribed by rules ma under this Act.

CHAPTER I.

Control over Petroleum.

Import, transport and storage of petroleum

3. (1) No one shall import, transport or store an petroleum save in accordance with the rules made unde section 4.

(2) Save in accordance with the conditions of an licence for the purpose which he may be required t obtain by rules made under section 4, no one shall impor any dangerous petroleum, and no one shall transport o store any petroleum.

The Government may make rules:—

(*a*) regulating the import of petroleum

(*b*) prescribing the periods within which licence for the import of dangerous petroleum shall be applied for

and providing for the disposal, by confiscation or other wise, of any dangerous petroleum in respect of which licence has not been applied for within the prescribe period or has been refused and which has not bee exported;

(*c*) regulating the transport of petroleum;

(*d*) specifying the nature and condition of a receptacles and pipe-lines in which petroleum may b transported;

(*e*) regulating the places at which and prescribin the conditions subject to which petroleum may be stored

(*f*) specifying the nature, situation and conditio of all receptacles in which petroleum may be stored;

(*g*) prescribing the form and conditions of licence for the import of dangerous petroleum, and for the trans port or storage of any petroleum, the manner in whic applications for such licences shall be made, the author ties which may grant such licences and the fees whic may be charged for such licences;

(*h*) determining in any class of cases whether licence for the transport of petroleum shall be obtaine by the consignor, consignee or carrier;

(*i*) providing for the granting of combined licence for the import, transport and storage of petroleum, or fc any two of such purposes;

(*j*) prescribing the proportion in which any specifie poisonous substance may be added to petroleum, an prohibiting the import, transport or storage of petroleu in which the proportion of any specified poisonou substance exceeds the prescribed proportion; and

(*k*) generally, providing for any matter which in its opinion is expedient for proper control over the import, transport and storage of petroleum.

Productions, refining and blending of petroleum.

5. (1) No one shall produce, refine or blend petroleum save in accordance with the rules made under sub-section (2).

(2) The Government may make rules—

(*a*) prescribing the conditions subject to which petroleum may be produced, refined or blended; and

(*b*) regulating the removal of petroleum from places where it is produced, refined or blended and preventing the storage therein and removal therefrom, except as dangerous

petroleum, of any petroleum which has not satisfied the prescribed tests.

Receptacles of dangerous petroleum to show a warning.

All receptacles containing dangerous petroleum shall have a stamped, embossed, painted or printed warning, either on the receptacle itself or where that is impracticable displayed near the receptacle, exhibiting in conspicuous characters the words "Petrol" or "Motor Spirit" or an equivalent warning of the dangerous nature of the petroleum;

Provided that this section shall not apply to—

(*a*) any securely stoppered glass, stoneware or metal receptacle of less than two gallons capacity containing dangerous petroleum which is not for sale, or

(*b*) a tank incorporated in a motor conveyance or attached to an internal combustion engine, and containing petroleum intended to be used to generate motive power for the motor conveyance or engine, or

(*c*) a pipe-line for the transport of petroleum, or

(*d*) any tank which is wholly underground, or

(*e*) any class of receptacles which the Government may, by notification in the official Gazette, exempt from the operation of this section.

7. Notwithstanding anything contained in this Chapter, a person need not obtain a licence for the transport or storage of non-dangerous petroleum if the total quantity in his possession at any one place does not exceed five hundred gallons and none of it is contained in a receptacle exceeding two hundred gallons in capacity.

8. (1) Notwithstanding anything contained in this Chapter, a person need not obtain a licence for the import, transport or storage of dangerous petroleum not intended for sale if the total quantity in his possession does not exceed six gallons.

(2) Dangerous petroleum possessed without a licence under this section shall be kept in securely stoppered receptacles of glass, stoneware or metal which shall not, in the case of receptacles of glass or stoneware, exceed one quart in capacity or in the case of receptacles of metal five gallons in capacity.

9. (1) The owner of a motor conveyance, who complies with the requirements of the law for the time being in force relating to the registration and licensing of such conveyances and its driver or pilot and the owner of

any stationary internal combustion engine, shall not be required to obtain a licence—

(*a*) for the import, transport or storage of any petroleum contained in any fuel tank incorporated in the conveyance or attached to the internal combustion engine, or

(*b*) for the transport or storage of dangerous petroleum, not exceeding twenty gallons in quantity in addition to any quantity possessed under clause (*a*), provided the petroleum is intended to be used to generate motive power for the motor conveyance or engine :

Provided further that the total quantity of dangerous petroleum which may be stored without a licence under clause (*b*) shall not exceed twenty gallons, notwithstanding that such owner may possess other motor conveyances or engines.

(2) The dangerous petroleum transported or stored without a licence under clause (b) of sub-section (1) shall be kept as provided in sub-section (2) of section 8, and, if it exceeds six gallons in quantity, shall be stored in an isolated place which does not communicate with any room where any person resides or works or in any room where persons assemble.

No licence is needed by railway administration acting as carrier.

10. Notwithstanding anything contained in this Chapter, the railway administration, as defined in section 3 of the Mysore Railways Act, 1894, need not obtain any licence for the import or transport of any petroleum in its possession in its capacity as carrier.

Exemption of heavy oil

11. Nothing in this Chapter shall apply to any petroleum which has its flashing-point not below two hundred degrees Fahrenheit.

General power of exemption.

12. The Government may, by notification in the official Gazette, exempt any petroleum specified in the notification from all or any of the provisions of this Chapter.

Inspection of places.

13. (1) The Government may authorise any officer by name or by virtue of office to enter any place where petroleum is being imported, stored, produced, refined or blended, or is under transport, and inspect all receptacles, plant and appliances used in connection with petroleum in order to ascertain if they are in accordance with the provisions of this Chapter and the rules made thereunder.

(2) The Government may make rules regulating the procedure of officers authorised under this section.

CHAPTER II.

THE TESTING OF PETROLEUM.

Inspection and sampling of petroleum.

14. (1) The Government may, by notification in the official Gazette, authorise any officer by name or by virtue of office to enter any place where petroleum is being imported, transported, stored, produced, refined or blended and to inspect and take samples for testing of any petro- [illegible] found therein.

(2) The Government may make rules-

(*a*) regulating the taking of samples of petroleum for testing,

(*b*) determining the cases in which payment shall be made for the value of samples taken, and the mode of payment, and

(*c*) generally, regulating the procedure of officers exercising powers under this section.

15. (1) A standard apparatus for determining the flashing-point of petroleum shall be deposited with an officer to be appointed in this behalf by the Government by notification in the official Gazette.

(2) Such apparatus shall be engraved with the words "Standard Test Apparatus" and shall be verified and corrected from time to time and replaced when necessary, in accordance with rules made under section 21.

(3) The Standard Test Apparatus shall, on payment of the prescribed fee, be open to inspection at all reasonable times by any person wishing to inspect it.

16. (1) The officer appointed under section 15, shall, on payment of the prescribed fee, if any, compare with the Standard Test Apparatus any apparatus for determining the flashing-point of petroleum which may be submitted to him for this purpose.

(2) If any apparatus is found by him to agree with the Standard Test Apparatus within prescribed limits, the officer shall engrave such apparatus with a special number and with the date of comparison, and shall give a certificate in respect of it in the prescribed form, certifying that on the said date the apparatus was compared with the Standard Test Apparatus and was found to agree with it within the prescribed limits, and specifying any corrections to be made in the results of tests carried out with the apparatus.

(3) A certificate granted under this section shall be valid for such period as may be prescribed.

(4) A certificate granted under this section shall, during the period for which it is valid, be proof, until the contrary is proved, of any matter stated therein.

(5) The officer shall keep a register in the prescribed form of all certificates granted by him under this section.

Testing officers.

17. The Government may authorise any officer by name or by virtue of office to test petroleum of which samples have been taken under this Act, or which may have been submitted to him for test by any person, and to grant certificates of the results of such tests.

Manner of test.

18. All tests of petroleum made under this Act shall be made with a test apparatus in respect of which there is a valid certificate under section 16, shall have due regard to any correction specified in that certificate, and shall be carried out in accordance with rules made under section 21.

Certificate of testing

19. (1) The testing officer after testing samples of petroleum shall make out a certificate in the prescribed form, stating whether the petroleum is dangerous or non-dangerous, and, if the petroleum is non-dangerous, the flashing-point of the petroleum.

(2) The testing officer shall furnish the person concerned, at his request, with a certified copy of the certificate, on payment of the prescribed fee, and such certified copy may be produced in any court in proof of the contents of the original certificate.

(3) A certificate given under this section shall be admitted as evidence in any proceedings which may be taken under this Act in respect of the petroleum from which the samples were taken, and shall, until the contrary is proved, be conclusive proof that the petroleum is dangerous or non-dangerous, as the case may be, and, if the petroleum is non-dangerous, of its flashing-point.

Right to require re-test.

20. (1) The owner of any petroleum, or his agent, who is dissatisfied with the result of the test of the petroleum may, within seven days from the date on which he received intimation of the result of the test, apply to the officer empowered under section 14 to have fresh samples of the petroleum taken and tested.

(2) On such application and on payment of the prescribed fee, fresh samples of the petroleum shall be taken in the presence of such owner or agent or person

deputed by him, and shall be tested in the presence of such owner or agent or person deputed by him.

(3) If, on such re-test, it appears that the original test was erroneous, the testing-officer shall cancel the original certificate granted under section 19, shall make out a fresh certificate, and shall furnish the owner of the petroleum, or his agent, with a certified copy thereof, free of charge.

21. The Government may make rules—

(*a*) for the specification, verification, correction and replacement of the Standard Test Apparatus;

(*b*) prescribing fees for the inspection of the Standard Test Apparatus;

(*c*) regulating the procedure in comparing a test apparatus with the Standard Test Apparatus;

(*d*) prescribing the form of certificate to be given in respect of a test apparatus so compared, and the period for which such certificates shall be valid;

(*e*) prescribing the form of the register of certificates;

(*f*) prescribing fees for comparing a test apparatus with the Standard Test Apparatus;

(*g*) regulating the procedure of testing officers carrying out tests of petroleum, providing for the averaging of results where several samples of the same petroleum are tested, and prescribing the variations from standard temperature which may be allowed;

(*h*) prescribing the form of certificates of test of petroleum and the fees which may be charged therefor;

(*i*) providing, where the results of the testing of samples raise a doubt as to the uniformity of the quality of the petroleum in any lot under test, for the division of the lot into sub-lots and for the selection and testing of samples of each sub-lot and for the averaging of the results in accordance with the results of the test of those samples;

(*j*) prescribing fees for re-tests under section 20 and providing for their refund where the original test was erroneous; and

(*k*) generally, regulating the procedure of all officers performing duties connected with the testing of petroleum, and providing for any matter incidental to such testing.

Special rules for testing viscous or solid forms of petroleum.

22. The Government may also make rules providing specially for the testing of any form of petroleum which is viscous or solid or contains sediment or thickening ingredients, and such rules may modify or supplement any of the provisions of this Chapter or of the rules made under section 21 in order to adapt them to the special needs of such tests.

CHAPTER III.

Penalties and Procedure.

General penalty for offences under this Act.

23. (1) Whoever—

(*a*) in contravention of any of the provisions of Chapter I or of any of the rules made thereunder, imports, transports, stores, produces, refines or blends any petroleum, or

(*b*) contravenes any rule made under section 4 c- section 5, or

(*c*) being the holder of a licence issued under section 4 or a person for the time being placed by the holder of such licence in control or in charge of any place where petroleum is being imported or stored, or is under transport, contravenes any condition of such licence or suffers any condition of such licence to be contravened, or

(*d*) being for the time being in control or in charge of any place where petroleum is being imported, stored, produced, refined or blended or is under transport, refuses or neglects to show to any officer authorised under section 13 any receptacle, plant or appliance used in such place in connection with petroleum, or in any way obstructs or fails to render reasonable assistance to such officer during an inspection, or

(*e*) being for the time being in control or in charge of any place where petroleum is being imported, transported, stored, produced, refined or blended, refuses or neglects to show to any officer authorised under section 14 any petroleum in such place, or to give him such

assistance as he may require for the inspecti of such petroleum, or refuses to allow him take samples of the petroleum, or

)eing required under section 27, to give i formation of an accident, fails to give su information as so required by that section,

hall be punishable with fine which may extend to fi ıundred rupees.

(2) If any person, having been convicted of ;)ffence punishable under sub-section (1), is again guilty ıny offence punishable under that sub-section, he sh:)e punishable for every such subsequent offence wi ine which may extend to two thousand rupees.

24. (1) In any case in which an offence und lause (*a*) or clause (*b*) or clause (*c*) of sub-section (1) ection 23 has been committed the convicting Magistra nay direct that—

(*a*) the petroleum in respect of which the offen has been committed, or

(*b*) where the offender is convicted of importir transporting or storing petroleum exceedi the quantity he is permitted to import, trar port or store, as the case may be, the wh(of the petroleum in respect of which t offence was committed,

hall, together with the receptacles in which it is containe)e confiscated.

(2) This power may also be exercised by the High Court in the exercise of its appellate or revisional powers.

25. Offences punishable under this Act shall be triable by a Magistrate of the first class or by a Magistrate of the second class who has been specially empowered by the Government in this behalf.

26. (1) The Government may, by notification in the official Gazette authorise any officer by name or by virtue of office to enter and search any place where he has reason to believe that any petroleum is being imported, transported, stored, produced, refined or blended otherwise than in accordance with the provisions of this Act and the rules made thereunder and to seize, detain or remove any or all of the petroleum in respect of which

in his opinion an offence under this Act, has been committed.

(2) The provisions of the Code of Criminal Procedure, 1904, relating to searches shall, so far as they are applicable, apply to searches by officers authorised under this section.

(3) The Government may make rules regulating the procedure of authorised officers in the exercise of their powers under this section subject, however, to the provisions of sub-section (2).

27. Where any accident by explosion or fire, which is attended with loss of human life or serious injury to person or property, occurs as the result of the ignition of petroleum or petroleum vapour or occurs in or near any place where petroleum is kept and under circumstances making it likely that it was the result of such ignition, the person for the time being in charge of the petroleum shall forthwith give information to the nearest Magistrate or to the officer in charge of the nearest police station.

28. (1) The inquiry mentioned in section 176 of the Code of Criminal Procedure, 1904, shall be held in all cases where any person has been killed by an accident which the Magistrate has reason to believe was the result of the ignition of petroleum or petroleum vapour.

(2) Any Magistrate empowered to hold an inquest may also hold an inquiry under the said section into the cause of any accident which he has reason to believe was the result of the ignition of petroleum or petroleum vapour, if such accident was attended with serious injury to person or property, notwithstanding that no person was killed thereby.

(3) The result of all inquiries held in pursuance of this section shall be submitted as soon as may be to the Government and the Chief Inspector of Mines and Explosives in Mysore.

CHAPTER IV.

SUPPLEMENTAL.

29. (1) In making any rules under this Act, the Government may— Provisions relating to rules.

(*a*) provide for any matter ancillary to such rules for which in its opinion provision is necessary

to protect the public from danger arising from the import, transport, storage, production refining or blending of petroleum, and

(*b*) make special provision for the special circumstances of any area or place.

(2) Every power to make rules conferred by this Act is subject to the condition of previous publication

(3) All rules made under this Act shall be published in the official Gazette.

Power to apply Act to other substances

30. (1) The Government may, by notification in the official Gazette apply any or all of the provisions of this Act, and of the rules made thereunder with such modifications as it may specify, to any dangerously inflammable substance, other than an explosive, and thereupon the provisions so applied shall have effect as if such substance had been included in the definition of petroleum.

(2) The Government may make rules providing specially for the testing of any substance to which any of the provisions of this Act have been applied by notification under sub-section (1) and such rules may supplement any of the provisions of Chapter II in order to adapt them to the special needs of such tests.

Power to limit powers of local authorities over procedure.

31. Where any enactment confers powers upon any local authority in respect of the transport or storage of petroleum the Government may, by notification in the official Gazette—

(*a*) limit the operation of such enactment, or

(*b*) restrict the exercise of such powers in any manner it deems fit.

Repeals.

32. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.

THE SCHEDULE.

ENACTMENTS REPEALED.

I have the honour to be,
Sir,
Your most obedient servant,

(Sd) . . . . .

Secretary,
Representative Assembly
Legislative Council.

Great Scott

No doubt of Govt Honours

Sd/ar
pm. 11/10

4/4 Agn. - Coffee cess Amendment Bill.

No separate action has been taken re
H.C. the Coffee cess (Amendment) Bill.

The file regarding the bill to amend the
Mysore Petroleum Act 1923 has been ~~sent~~
sent separately with a D-7-N. Pending approv